

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27015 of 2017

Arising Out of PS.Case No. -416 Year- 2016 Thana -BIRAUL District- DARBHANGA

- =====
1. Kari Chaudhary @ Santosh Chaudhary, son of Fanad Chaudhary.
 2. Chhanu Chaudhary @ Bhaskar Chaudhary, Son of Anand Chaudhary,
Both are Resident of Village- Pokhram, P.S.- Biraul, District-
Darbhanga.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha, Advocate

For the Opposite Party/s : Mr. Manoj Kumar – 1, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 25-07-2017 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

Petitioners are languishing in judicial custody since 30.03.2017 in connection with Biraul P.S. Case No. 416 of 2016, pending in the Court of learned Additional Chief Judicial Magistrate, Biraul registered for the offence punishable under Sections 147, 148, 341,323, 448, 380, 307, 427, 504 and 506 of the Indian Penal Code. Later on, Section 302 of the Indian Penal Code has been added.

The prosecution case, as lodged by the sister of the deceased, is that while the informant and other family members were sleeping, accused persons came and assaulted them. They



drove away all the members of her family towards mango orchard, tied them with the tree and brutally assaulted by iron rod and lathi. The accused persons, including petitioners also damaged the household articles of his brothers and demolished their houses. It is alleged that Badlu Choudhary assaulted the informant after climbing on her chest. It is further alleged that Tuntun Choudhary assaulted her brother Dahu Giri with iron rod and brutally injured him. Others assaulted Grish Giri with lathi and danda, as a result of which one of his teeth was broken. Thereafter accused Anandi Choudhary threatened them of dire consequences.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case due to personal enmity and land dispute between the parties. It has further been submitted that Dahu Giri died two months after the alleged occurrence and the death was natural. It is further submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State vehemently opposes the prayer for bail stating therein that the Investigating Officer in the inquest report has stated that the deceased died due



to previous assault and that the deceased also in his statement before his death stated that the petitioners and other accused have brutally beaten him.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioners at this stage. This application is, accordingly, rejected.

(Nilu Agrawal, J.)

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