

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30283 of 2017

Arising Out of PS.Case No. -175 Year- 2016 Thana -BUXAR INDUSTRIAL District- BUXAR

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1. VIJAY KUMAR CHOUBEY @ VIJAY CHOUBEY, son of Hira Lal Choubey, resident of Village- Belaur, P.S.- Buxar (I), District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Sri Amrendra Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-08-2017 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since 19.10.2016 in connection with Buxar (Industrial) P.S. Case No. 175 of 2016 for offences punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that there was a property dispute between the deceased-father of the informant and brothers of the deceased. One of the brothers of the petitioner side went to cultivate the field and on objection raised by the deceased-father of the informant, he was brutally beaten by eleven accused persons by means of *Lathi* and rod and as a result, he died during the course of treatment.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent. There



was a property dispute and there are eleven accused persons and on whose injury, the deceased succumbed, is not ascertainable. He submits that one of the co-accused has been granted privilege of bail by the learned court below. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel for the informant as well as learned APP for the State vehemently opposes the prayer for bail stating therein that petitioner and three other co-accused have brutally and continuously beaten the informant's father to death. He submits that post-mortem report also suggests hemorrhage and shock leading to cardio respiratory failure.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Buxar (Industrial) P.S. Case No. 175 of 2016 pending in the Court of Chief Judicial Magistrate, Buxar.

However, the petitioner may renew his prayer for bail after framing of charge.

(Nilu Agrawal, J)

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