

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21348 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- DEEPNAGAR District- Nalanda

1. RAJ KUMAR CHAUDHARY Son of Late Bundi Chaudhary Resident of Village-Maghra Sarai, P.S-Deepnagar, District-Nalanda.
2. Lallu Chaudhary Son of Late Bundi Chaudhary Resident of Village-Maghra Sarai, P.S-Deepnagar, District-Nalanda.
3. Vijay Chaudhary Son of Late Jethu Chaudhary Resident of Village-Maghra Sarai, P.S-Deepnagar, District-Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-04-2019 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since 05.01.2019 in connection with Deepnagar P.S. Case No. 07 of 2019 for offences punishable under Section 302 and other allied Sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he along with his family and his nephew Ajay Malakar @ Santi Kumar and his family were sitting at his door-step, 300-400 persons variously armed with *lathi*, *fatta* came and started assaulting the informant's side. As many as 52



persons have been named in the FIR, as a result of assault they got injured, his nephew got seriously injured and while being taken to the hospital he succumbed.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history, not named in the First Information Report, it was a mob attack of 300-400 people and the petitioners cannot be implicated as assailants having assaulted the deceased. He submits that general and omnibus allegation has been levelled against the petitioners and for the same occurrence Deepnagar P.S. Case No. 06 of 2019 has been lodged. He further submits that no cause has been levelled for the said occurrence, the petitioners were local villagers and being on inimical terms they have been falsely implicated. It is further submitted that one of the co-accused has already been granted the privilege of bail by this Court in Deepnagar P.S. Case No. 06 of 2019 for the same occurrence in Cr. Misc. No. 16357 of 2019 vide order dated 27.03.2019. It is submitted that charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses and the petitioners are languishing in judicial custody for three months.

However, learned APP for the State opposes the



prayer for bail.

Considering the period of custody and that the petitioners do not bear any criminal antecedent as stated in paragraph-3 of the present application, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif, in connection with Deepnagar P.S. Case No. 07 of 2019, subject to the condition that one of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.

(Nilu Agrawal, J)

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