

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21867 of 2019

Arising Out of P.S. Case No.-455 Year-2018 Thana- JAYNAGAR District- Madhubani

1. VISHNU DEO CHOUDHARY, aged about 58 years (Male), Son of Late Ram Autar Choudhary, Resident of Village- Barhi, P.S.- Jai Nagar, District- Madhubani.
2. Ram Pari Devi @ Ram Wati Devi, (Female), aged about 55 years, Wife of Vishnu Deo Choudhary, Resident of Village- Barhi, P.S.- Jai Nagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav, Advocate
For the Opposite Party/s : Mr.Manish Kumar No2, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-04-2019 Heard the learned counsel for the petitioners and
learned counsel appearing on behalf of the State.

Petitioners are languishing in judicial custody since 11.08.2018 in connection with Sessions Trial No.472 of 2018 arising out of Jai Nagar P.S.Case No.455 of 2018 for the offence alleged under Section 302 and other allied sections of the Indian Penal Code.

The prosecution case as lodged by the informant is that the petitioners along with others assaulted his father and other family members. Specific allegation is upon one Prabash Choudhary of stabbing his father multiple times on his stomach as a result of which he died. Allegation upon petitioner no.1 is



that he inflicted axe blow on the informant's mother Bindiya Devi and upon the petitioner no.2 is that she was handing over the arms and other ammunitions to the other co-accused.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal antecedent, there was a civil dispute between the parties as stated in the First Information Report and the main allegation is upon co-accused Prabhesh Choudhary to have inflicted stab blow on the father of informant. He submits that the injury on the mother of the informant Bindiya Devi, alleged against the petitioner no.1, has been found to be simple in nature as is evident from the injury report as contained in Annexure-3. He further submits that the allegation upon petitioner no.2 is not of any assault and that one of the co-accused, against whom there is allegation of assault upon the informant on his shoulder by an axe, has since been granted the privilege of bail by a coordinate Bench of this Court in Cr.Misc.No.13305 of 2019 dated 14.03.2019.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances, materials on record and the fact that the petitioners do not bear any criminal antecedent as stated in para-3 of the present application



as well as the fact that the petitioners were not the main assailant as alleged in the FIR, let the petitioners, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Sessions Trial No.472 of 2018 arising out of Jai Nagar P.S.Case No.455 of 2018 to the satisfaction of learned Additional District and Sessions Judge-VI, Madhubani, subject to the following conditions:-

(i) 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.

(ii) Petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

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