

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25832 of 2019

Arising Out of PS. Case No.-35 Year-2015 Thana- District- Nalanda

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Dharmendra Chaudhary @ Naveen Chaudhary Son of Shiv Balak Chaudhary,
Resident of Village - Khetalpura, P.S.- Sare, Distt - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Premchandra Yadav

For the Opposite Party/s : Mr.Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 24-07-2019 Heard both sides.

The petitioner apprehends his arrest in Sare P.S. Case No.35 of 2015 registered under Sections 307, 302 and other sections of the Indian Penal Code.

Learned counsel for the petitioner submits that the prayer for anticipatory bail of the petitioner was earlier rejected vide order dated 24.11.2015 passed in Cr.Misc.No.35206 of 2015 but it appears that no reference was made with regard to the petitioner in the entire order. It is further submitted that during course of investigation, the plea of alibi was taken. The Investigating Officer verified the plea of alibi of the petitioner and submitted final form finding the accusation against the petitioner false but the learned Judicial Magistrate took



cognizance against the petitioner also. It appears that the petitioner is named in the F.I.R. along with five other accused persons. The informant Santosh Chaudhary alleged that he and his father Mahesh Chaudhary along with sister Babita Devi were carrying bundles of wheat crops. When they reached near a bridge situated at Mahto Tola, Shiv Shankar Chaudhary, Mukesh Chaudhary, Dharmendra Chaudhary (petitioner), Shiv Balak Chaudhary, Jasiya Devi and Rekha Devi having armed with different weapons surrounded the father of the informant and started assaulting Mahesh Chaudhary on different parts of his body. When the informant went to save, the accused persons also assaulted him on different parts of his body and caused grievous injury. The sister of the informant was also assaulted and her hand was broken. The people brought the informant and his father to the hospital for treatment but his father was declared dead.

It appears that as many as six injuries caused by sharp edged weapon on different parts of the body of the deceased were found. The petitioner is also one of the assailants of the deceased. The plea of alibi is to be considered at the time of trial of the case.

Having considered the facts aforesaid, I am not



inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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