

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50416 of 2019

Arising Out of PS. Case No.-105 Year-2019 Thana- MAJHAULIA District- West Champaran

1. Triloki Chaubey, Gender-Male, aged about 55 years, Son of Fulena Chubey, Resident of Village - Lalsaraiya, P.S.- Majhauriya, Distt - West Champaran.
2. Shyam Bihari Chaubey, Gender-Male, aged about 22 years, Son of Triloki Chaubey, Resident of Village - Lalsaraiya, P.S.- Majhauriya, Distt - West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Sanjay Kumar No 7 and Mr. Anant Kumar Mishra, Advocates.
For the Opposite Party	:	Mr.Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-08-2019 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are languishing in custody since 22.03.2019 in a case for the offence registered under Sections 341, 323, 324, 325, 307, 436, 379/34 of the IPC. Later on, Section 302 of the IPC was also added.

The prosecution story, in brief, is that on 21.03.2019 at about 9.00 A.M., the informant alongwith his family members were assembled on the eve of 'Holi' and the brother-in-law (Bahnoi) of the informant Dhananjay Dubey was also came for celebrating 'Holi'. In the meantime, his Pattidar Triloki Chaubey (petitioner no.1) alongwith others came there armed



with variously deadly weapons and with intention to kill, Triloki Chaubey (petitioner no. 1) gave Bhala blow on the head of Dhananjay Dubey and co-accused Ajit Chaubey gave Dabia blow on the head of informant's brother Chuman Chaubey, Co-accused Sakchi Kumari dragged the informant's wife namely Manju Devi on her door and Shyam Bihari (petitioner no. 2), Saheb and Tappunam Chaubey assaulted her with Lathi and rod. Co-accused Brij Bihari also assaulted the informant with fists and took out Rs. 30,000/- from his pocket. Co-accused Chaturgun Chaubey and Manbhari Devi also set fire to the informant's hut.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioner no. 1 is alleged to have assaulted to Dhananjay Dubey (Bahnoi of the informant). Nature of injury is said to be simple. The petitioner no. 2 and other co-accused is said to have assaulted the informant's wife Manju Devi. Nature of injury is also said to be simple. There is no allegation of assault against these petitioners to the deceased Chaturgun



Chaubey. Other co-accused has been granted bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 47982 of 2019 under order dated 02.08.2019.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released 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 the learned C.J.M. Bettiah, West Champaran, in connection with Majhauriya P.S. Case No. 105 of 2019.

(Sudhir Singh, J)

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