

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.210 of 2020

Arising Out of PS. Case No.-102 Year-2019 Thana- CHAUTHAM District- Khagaria

1. Dabal Chaudhary @ Sujit Chaudhary @ Sujeet Choudhary S/o Ram Narayan Chaudhary @ Lavnarayan Chaudhary, Resident of Village- Gadhia, P.S.- Chautham, District- Khagaria.
2. Kamleshwari Tanti, S/o Late Banarsi Tanti, Resident of Village- Gadhia, P.S.- Chautham, District- Khagaria.
3. Raja Yadav, S/o Chandradeo Yadav, Resident of Village- Mathar, P.S.- Muffasil, District- Khagaria.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

with

CRIMINAL APPEAL (SJ) No. 412 of 2020

Arising Out of PS. Case No.-102 Year-2019 Thana- CHAUTHAM District- Khagaria

1. Mukul Chaudhary @ Amit Kumar, Son of Sarvanarayan Chaudhary, Resident of Village-Gadhia, P.S.-Chautham, District-Khagaria.
2. Binit Chaudhary, Son of Sarvanarayan Chaudhary, Resident of Village-Gadhia, P.S.-Chautham, District-Khagaria.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

(In CRIMINAL APPEAL (SJ) No. 210 of 2020)

For the Appellant/s : Mr. Binod Kumar- Advocate

For the Respondent/s : Mr. Sadanand Paswan- S.P.P.

For the Informant : Mr. Amresh Kumar Verma- Advocate

(In CRIMINAL APPEAL (SJ) No. 412 of 2020)

For the Appellant/s : Mr. Binod Kumar- Advocate

For the Respondent/s : Mr. Binay Krishna- S.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

5 05-06-2020 All the appellants in both the above stated Criminal
Appeals have been made accused in Chautham P. S. Case No.102 of



2019 registered for the offences punishable under Sections 147, 148, 149, 302 of the I.P.C., Section 27 of the Arms Act and Section 3(1) (F) and 3(2) V of the S.C./S.T. (Prevention of Atrocities) Act. The above stated appellants approached the trial Court for grant of bail, but their bail prayer was rejected by the learned Additional Sessions Judge-1st, Khagaria vide order dated 20.12.2019 against which the above stated two separate Criminal Appeals have been preferred and accordingly, both the Criminal Appeals are being disposed of by this common order.

Heard learned counsel appearing for the appellants as well as learned Special Public Prosecutor for the State assisted by learned counsel for the informant.

Appellants in Criminal Appeal No.210 of 2020, except appellant no.3 in the aforesaid Criminal Appeal, as well as appellants of Criminal Appeal No.412 of 2020 are named in the first information report. The informant claimed that all the above stated appellants along with 20-25 unknown persons having formed an unlawful assembly made indiscriminate firing with a view to take possession of the disputed land and in course of firing, one Parvati Devi got firearm injury and she died while she was being taken to hospital.

Police after investigation submitted charge-sheet against the appellants.

Learned counsel appearing for the appellants in both the



Criminal Appeals submits that no specific overt act has been attributed against any of the appellants and only vague and general allegation of firing has been levelled. He further points out that as a matter of fact, there is land dispute between the parties and the disputed land was purchased by the wife of appellant no.1 of Criminal Appeal No.210 of 2020 from one Ramakant Singh through valid sale deed dated 08.06.2018. He further submits that the informant and their supporters forcibly tried to dispossess the appellant no.1 of Criminal Appeal No.210 of 2020 from the above stated disputed lands. He further submits that the son of appellant no.1 of Criminal Appeal No.210 of 2020 filed a Complaint Case No.403C of 2019 against the prosecution party for the occurrence of the same day and in that case, he claimed that the deceased Parvati Devi sustained firearm injury from the firing made by one Chandan Kumar. He further submits that no doubt, appellant no.1 in Criminal Appeal No.210 of 2020 has some criminal antecedent, but as a matter of fact, all the cases were lodged against appellant no.1 in Criminal Appeal no.210 of 2020 on account of land dispute.

On the other hand, learned Additional Public Prosecutor assisted by the learned counsel for the informant opposed the prayer submitting that the appellant having formed an unlawful assembly made indiscriminate firing committing the murder of an innocent lady. Learned counsel for the informant further submits that the appellant no.1 in Criminal Appeal No.210 of 2020 is a dreaded



criminal and he should not be released on bail.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties particularly keeping in mind that no specific overt act has been attributed against the appellants and who had shot fire on the deceased is a disputed fact, which can be decided in course of trial, let the appellants, 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 learned Additional Sessions Judge-1st, Khagaria in connection with Chautham P. S. Case No.102 of 2019.

Accordingly, the impugned order dated 20.12.2019 passed in Chautham P. S. Case No.102 of 2019 by the learned Additional Sessions Judge-1st, Khagaria is hereby set aside and accordingly, both the Criminal Appeals stand disposed of.

(Hemant Kumar Srivastava, J)

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