

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18325 of 2020

Arising Out of PS. Case No.-327 Year-2019 Thana- NOORSARAI District- Nalanda

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1. REKHA DEVI W/o Sanjay Chaudhary Resident of Village- Nabiganj, P.S.- Ekangarsarai, Dist.- Nalanda.
 2. Sanjay Chaudhary S/o Rajendra Chaudhary Resident of Village- Nabiganj, P.S.- Ekangarsarai, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Sangeet Deokuliar
For the Opposite Party/s :	Mr. Ashok Kumar
	Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri Sangeet Deokuliar, the learned counsel appearing for the petitioners and Shri Ashok Kumar, learned A.P.P. for the State.

The petitioners seek regular bail in connection with Noorsarai P.S. Case No. 327 of 2019 for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 302 and 504 of the Indian Penal Code.

The case of the prosecution in brief is that on 03.11.2019 there was an exchange of hot words in between the family of the informant and the family of co-accused person, namely, Bhuteshwar Choudhary on account of washing of fish. It is



further alleged that on 04.11.2019 at about 5:00 A.M. when the father of the informant was taking out his she-buffalo from the cow-shed, the accused persons including the petitioners herein, had assaulted the father of the informant by means of *lathi, danda, baletha* and bat resulting in the father of the informant being injured badly. Thereafter it is alleged that the sister of the informant had gone to rescue the father of the informant but she was also assaulted badly. Lastly, it is alleged that the father of the informant was taken to Sadar Hospital, Bihar Sharif where he was declared to be dead.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they are living separately from the main accused Bhuteshwar Choudhary and have nothing to do with the alleged antecedent as also have been falsely implicated in the present case on account of vengeance. It is further submitted that the petitioners are having clean antecedent and are languishing in custody since 04.11.2019. Lastly, it is submitted that similarly situated co-accused persons have already been granted regular bail by coordinate benches of this Court vide orders dated 16.01.2020 passed in Criminal Miscellaneous No. 956 of 2020 and order dated



02.06.2020 passed in Criminal Misc. No. 13851 of 2020.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into the fact that there is no allegation of any sort of specific overt act as against the petitioners herein as also considering the parity of the case of the petitioners with that of the co-accused persons who have already been granted regular bail by coordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail bond 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 Biharsharif in connection with Noorsarai P.S. Case No. 327 of 2019.

(Mohit Kumar Shah, J)

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