

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27843 of 2020

Arising Out of PS. Case No.-416 Year-2016 Thana- BIRAUL District- Darbhanga

1. ANAND CHOUDHARY Son of Late Chandrashekhar Choudhary @ Thako Chaudhary
2. Bikramadity Choudhary @ Badlu Chaudhary Son of Anand Choudhary both Resident of Village- Pokhram, P.S.- Biraul, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sameer Ranjan, Adv.

For the Opposite Party/s : Mr. H.A. Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-12-2020 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceedings.

The petitioners seek bail in a case registered for the offence punishable under Section 147, 148, 341, 323, 448, 380, 307, 427, 504, 506 of the Indian Penal Code. Later on Section 302 of the IPC has been added.

Prosecution case as stated in the FIR of the informant is that on 09.12.2016, when the informant was sleeping at his house, the accused persons including the petitioners armed variously arrived at her house and started to assault the informant and her brother, nephew and sister-in-law. It is alleged that accused persons dragged the informant to the mango orchard of Sambhu Singh and have tied them with a tree. It is further alleged that petitioner Bikramaditya Choudhary assaulted the informant and other accused persons have also



assaulted Daho Giri and Girish Giri with lathi, danda and rod.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case due to land dispute. He submits that FIR was lodged on 10.12.2016, whereas the deceased has died on 10.02.2017 and from perusal of the injury report of Daho Giri, it appears that he sustained only simple injury, therefore it is not possible that the deceased died because the injury which he sustained two months ago, which creates a reasonable doubt about the whole prosecution case. He submits that petitioners have two criminal history and both two cases are pending against the petitioners which has been filed by the informant and in both the cases petitioners are on bail. He further submits that petitioners are languishing in judicial custody since 31.01.2020.

In the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Biraul, Darbhanga in connection with Biraul Police Station Case No. 416 of 2016.

(Anjani Kumar Sharan, J)

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