

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26641 of 2020

Arising Out of PS. Case No.-21 Year-2020 Thana- BIRAUL District- Darbhanga

1. BAIDYA NATH CHAUDHARY @ BAIJNATH CHAUDHARY S/o Domy Chaudhary Resident of Village-Manikpur, P.O-Shahari (Saho), P.S.-Biraul, District-Darbhangha.
2. Sharwan Chaudhary S/o Baidya Nath Chaudhary Resident of Village-Manikpur, P.O-Shahari (Saho), P.S.-Biraul, District-Darbhangha.
3. Ram Dular Chaudhary S/o Baidya Nath Chaudhary Resident of Village-Manikpur, P.O-Shahari (Saho), P.S.-Biraul, District-Darbhangha.
4. Kirandar Chaudhary S/o Baidya Nath Chaudhary Resident of Village-Manikpur, P.O-Shahari (Saho), P.S.-Biraul, District-Darbhangha.
5. Rajesh Chaudhary S/o Baidya Nath Chaudhary Resident of Village-Manikpur, P.O-Shahari (Saho), P.S.-Biraul, District-Darbhangha.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jha
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-10-2020 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard both parties.

The petitioners seek bail in Biraul P.S. Case No. 21 of 2020, registered for the offence punishable under Sections 302, 34 of the Indian Penal Code.

As per the prosecution case, on 07.01.2020 at about 7.00 am while the informant's father was sitting at his Darwaja,



petitioner along with other accused persons named in the FIR variously armed came there and started abusing the father of informant. On protest, they assaulted informant's father, as a result of which he became severely injured and during course of treatment he died.

It is submitted on behalf of the petitioners that petitioners have falsely been implicated in this case. There is case and counter case. FIR has been lodged on 19.01.2020 while the occurrence took place on 07.01.2020. Admittedly, there is land dispute between the parties and both parties are own Gotias. It is further submitted that there is general and omnibus allegation. Petitioners have got clean antecedent as stated in para 3 of the bail petition and they are in custody since 31.01.2020.

However counsel for the State, vehemently opposed the prayer for bail and submitted that during course of investigation, the police recorded statement of deceased and according to the statement of deceased these petitioners abused and assaulted the deceased. Postmortem report also corroborates the prosecution case and the main cause of death was craniocerebral damage and its complications relating from injury caused by hard blunt force impact.



Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioners above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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