

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75991 of 2019

Arising Out of PS. Case No.-189 Year-2019 Thana- PIPRAKOTHI District- East Champaran

1. Dashai Chaudhary @ Dasai Chaudhary, Son of Late Amin Choudhary.
2. Mohan Chaudhary, Son of Late Amin Chaudhary.
3. Sajan Chaudhary, Son of Dashai Chaudhary.
4. Arvind Chaudhary, Son of Mohan Chaudhary
All are resident of Village- Hathiyahi, Ward No. 10, P.S.- Piprakothi,
District- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 18-06-2020 Heard learned counsel for the petitioners and

learned counsel for the State via video conferencing.

By way of the present application, the petitioners
have sought for pre-arrest bail in connection with Pipra Kothi
P.S. Case No.189 of 2019 registered for the offences punishable
under Sections 302, 427, 506 and 120B read with 34 of the
Indian Penal Code.

The first information report is based on the written
statement of one Rita Devi dated 02.07.2019 wherein she has
stated that on 30.06.2019 at 9:00-10:00 p.m. in the night, her
son Kariman Chaudhary was taken away by accused Dasai
Chaudhary, Mohan Chaudhary, Sajan Chaudhary, Arbind



Chaudhary to visit the *Barat* and, thereafter, he was assaulted resulting into his death and the dead body was thrown in morning at 3:00 a.m. in the orchard.

In the written report itself, it is mentioned that the dead body was taken for postmortem examination and after that, the house-hold article of the house of the younger son was damaged by the aforesaid persons and they threatened to commit murder of Mahendra Chaudhary.

It is contended on behalf of the petitioners that there is no eye witness of the occurrence. There is no plausible explanation as to why the first information report was not instituted after the body of the deceased was recovered from the orchard. There is also no plausible explanation for the delay caused in institution of the first information report. It is further contended that there is a vague, sweeping and omnibus allegation that the accused persons assaulted the deceased.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioners. He has submitted that the gravity of the offence and the allegation made against the petitioners disentitle them from grant of pre-arrest bail.

On perusal of the case diary, I find that in paragraph



no.3, the investigating officer has recorded that after the inquest and dead body chalan was prepared and the body was being sent for postmortem examination to the Sadar Hospital, Motihari, the family members of the deceased were requested to give their fardbeyan, but none of them became ready to give fardbeyan. They stated that they would give their written report only after the postmortem examination report is received.

Regard being had to the delayed FIR and the facts recorded in paragraph no.3, of the case diary, the petitioners are directed to be released on bail in the event of their arrest or surrender in the court below on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Pipra Kothi P.S. Case No.189 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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