

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82828 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- RANIYATALAB District- Patna

LOHARI CHAUDHARY @ LOHARI CHOUDHARY, aged about 55 years,
Gender – Male, Son of Late Ram Das Chaudhary Resident of Village-
Rajipur, P.S.- Rani Talab, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Advocate
For the Opposite Party/s : Mr.Ansar Ul Haque, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 18-03-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner in the present case is seeking regular
bail in connection with Raniya Talab P.S. Case No. 40/2019
registered under Sections 147, 148, 149, 447, 323, 307, 504 of
the Indian Penal Code and later on Section 302 I.P.C. was
added.

Learned counsel for the petitioner submits that the
petitioner and the informant are close door neighbours, as per
allegations, the family members including this petitioner had
committed assault on the father-in-law of the informant by Lathi
and because of that assault the father-in-law of the informant
died. It is the submission of learned counsel for the petitioner
although in the F.I.R. there is also an allegation that the



informant and her daughter were assaulted by all the accused persons, no injury have been found on the body of the informant and her daughter and in the post-mortem report of the father-in-law of the informant only one head injury has been found which may be caused even by a fall on any hard substance. It is thus submitted that the entire manner of occurrence as stated in the F.I.R. seems to be concocted.

Learned A.P.P. for the State has after going through the case diary informed this Court that only one head injury has been found on the father-in-law of the informant. In the case diary no injury report of the informant or her daughter is available and nothing is stated about their injuries. Learned A.P.P., on query made by this Court, stated that in course of investigation no independent material has come to suggest commission of overt act by this petitioner.

Considering the facts and circumstances of the case wherein the informant has alleged that altogether seven accused persons had assembled and all of them had assaulted her father-in-law, the informant and her daughter but the post-mortem report of the father-in-law shows only one injury on the head, the manner of occurrence alleged being contrary to the medical report there being no multiple injury on the deceased and no



injury on the body of the informant and her daughter as also the fact that two similarly situated co-accused have been granted privilege of anticipatory bail by learned coordinate Bench of this Court, let the above-named petitioner be released on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Danapur, Patna, in connection with Raniya Talab P.S. Case No. 40/2019, subject to the condition as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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