

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7292 of 2020**

Arising Out of PS. Case No.-88 Year-2019 Thana- MIRGANJ District- Gopalganj

BAJRANGI CHOUDHARY @ HARI MOHAN CHOUDHARY, aged about 40 years (M), S/o Late Dinanath Choudhary @ Late Dinanath Yadav, R/o Village- Rani Sarisawan, P.S.- Mirganj, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Ashok Kumar Jha and Mr. Dhramveer,  
Advocates.

For the Opposite Party : Mr.Md. Mushtaque Alam, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

4      29-09-2020                      Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 147, 148, 149, 307, 324, 302, 504 and 506 of the I.P.C.

The prosecution story, in brief, is that 15.04.2019 at about 9.00 A.M., all the seven F.I.R. named accused persons, including the petitioner, kept some articles on the land of the informant when the informant and his elder brothers, namely,



Kedar Chaudhary and Dudhnath Chaudhary made protest, then all the accused persons started abusing and assaulting them. It is specifically alleged that co-accused Rakesh Choudhary and Bajrangi Choudhary @ Hari Mohan Choudhary (petitioner) assaulted on the head of Kedar Chaudhary with an *Iron rod* and *Farsa* respectively, as a result, he died on spot whereas co-accused, Swaminath Chaudhary assaulted on the head of the informant with a *lathi* and co-accused Abhay Yadav and Ashok Chaudhary assaulted on the head of Dudhnath Chaudhary with *lathi* and *bricks*.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 23.07.2019. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is admitted land dispute between the parties. There is case and counter case between the parties. Both sides are said to have been injured in course of occurrence. As per the allegation made in the F.I.R., petitioner alongwith other co-accused Rakesh Choudhary is said to have assaulted on the head of the deceased with *Iron rod* and *Farsa*. There is specific lacerated wound on



the head of the deceased as per the postmortem report. Other co-accused, namely, Rakesh Choudhary has been granted bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 11227 of 2020 under order dated 30.06.2020.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. There is specific allegation of assault against the petitioner giving a *Farsa* blow on the head of the deceased. The fatal injury in the postmortem report corroborates the allegation made in the F.I.R. As far as grant of bail to other co-accused is concerned, a plea of alibi was taken by co-accused where the Co-ordinate Bench of this Court considered the alibi of the said co-accused and granted bail to him. As far as petitioner is concerned, there is no case of alibi. Hence, the case of the petitioner cannot be said to be the same as that of the co-accused, namely, Rakesh Choudhary.

Considering the aforesaid facts and taking into account that the petitioner is alleged to be one of the assailants, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Mirganj P.S. Case No. 88/2019, pending in the court of learned Additional District & Sessions Judge-I, Gopalganj in Sessions Trial No. 2324 of 2019.



The court below is directed to take all necessary steps  
to conclude the trial preferably within a period of nine months  
from the date of receipt/production of a copy of this order.

**(Sudhir Singh, J)**

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