

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1041 of 2021**

Arising Out of PS. Case No.-40 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

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DHARMENDRA CHAUDHARY Son of Shiv Shankar Chaudhary Resident
of Rampur Ghat, P.S.- Cheriya Bariyarpur, District- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Manoj Kumar, Adv.

For the Respondent/s : Mr. Sadanand Paswan, SPP

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

5 23-06-2021 Heard Mr. Manoj Kumar, learned counsel for the

appellant and Mr. Sadanand Paswan, Special Public Prosecutor

for the State through video conferencing.

2. The present appeal is directed against order dated
10.12.2020 passed by learned Special Judge SC/ST (POA) Act,
Begusarai in connection with Cheriya Bariyarpur PS Case No.
40/2020 for the offence registered under Sections 341, 323, 504,
302/34 of the IPC read with Section Section 3(1)(r)(s)(w) & 3
(2) (v) of SC/ST (POA) Act, by which regular bail application
of the appellant has been rejected.

3. The allegation, as per prosecution story, is that the
appellant along with other accused persons assaulted mother of
the informant with iron rod leading to her death.

4. Learned counsel for the appellant submits that the



appellant has not committed any offence in the manner alleged and as per FIR, the appellant along with other accused persons allegedly assaulted the mother of the informant and postmortem report does not corroborate the prosecution version and only one injury upon the person of the deceased has been found which was by hard and blunt substance.

5. Learned counsel further submits that during course of investigation wife of the informant, Amrika Devi was examined and she has stated that the appellant was having Lathi in his hand and not the iron rod. Learned counsel, referring to para-100 of the case diary, submits that there was free fight between the parties and there is likelihood that the deceased might have been hit by the Lathi/Iron rod of some other person.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that there is a specific allegation against appellant of assaulting the mother of the informant on her head and the cause of death is injury received by the deceased on her head by a hard and blunt substance, I am not inclined to grant bail to the appellant at this stage. Accordingly, the present appeal is, hereby rejected, affirming the order dated 10.12.2020 passed by learned Special Judge SC/ST (POA) Act, Begusarai



7. However, appellant, if so advised, may renew his prayer for bail after one year from today if the trial does not show any progress.

(Anil Kumar Sinha, J)

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