

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20432 of 2020

Arising Out of PS. Case No.-2 Year-2020 Thana- BALIA BELON District- Katihar

1. Govind Choudhary, aged about 70 years (Gender-M), S/o Late Ganga Prasad Choudhary, Resident of Village- Manikpur, Naya Tola, Baluganj, P.S.- Balia Belon, Distt- Katihar.
2. Ganesh Choudhari, aged about 60 years (Gender-M), S/o Late Ganga Prasad Choudhary, Resident of Village- Manikpur, Naya Tola Baluganj, P.S.- Balia Belon, Distt- Katihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Bimal Kumar, Advocate.
For the State	:	Mr. Sunil Kumar Pandey, A.P.P.
For the Informant	:	M/S. Sunil Prasad Singh and Rajendra Prasad Sah, Advocates.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 22-02-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsels for the petitioners, informant and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 427, 354(B), 307, 504 and 506/34 of the I.P.C.

The prosecution story, in brief, is that on 24.11.2019 at 10.00 A.M., the informant was fixing the *Bamboo* on his own land for drying the *Goitha*, in the meantime, co-accused



Indradeo Choudhary and Govind Choudhary and Ganesh Choudhary (petitioners) came and broken the *Goitha*. When his mother protested, accused persons after entering the courtyard, assaulted her with fists and slaps. Co-accused Indradeo Choudhary assaulted her with *Iron Khanti* causing head injury. When her wife came to rescue her, Ganesh Choudhary (petitioner no. 2) assaulted with *Iron rod* and torn her clothes. Govind Choudhary (petitioner no. 2) gave threatening to kill his all family members and he also assaulted the son of the informant. On hulla, villagers assembled there and the injured were admitted in the Hospital.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case for oblique reason. It has further been submitted that F.I.R. has been instituted after 36 days of the alleged occurrence. Delay has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of



the case, the provisional bail granted to the petitioners by the
then another Co-ordinate Bench of this Court, vide order dated
08.10.2020, is hereby confirmed.

(Sudhir Singh, J)

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