

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28889 of 2021**

Arising Out of PS. Case No.-431 Year-2020 Thana- SHERGHATI District- Gaya

1. MAHENDRA CHAUDHARY Son of Devdhari chaudhary @ Devdhary Chaudhary Resident of Village - Bela, Police Station - Sherghati, District - Gaya.
2. Yogendra Chaudhary Son of Devdhari Chaudhary @ Devdhary Chaudhary Resident of Village - Bela, Police Station - Sherghati, District - Gaya.
3. Munna Chaudhary Son of Devdhari Chaudhary @ Devdahry Chaudhary Resident of Village - Bela, Police Station - Sherghati, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Surendra Kumar Mishra

For the Opposite Party/s : Mrs. Pronoti Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      27-09-2021                      Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in a case registered for the offence punishable under Section 302/34 of the Indian Penal Code.

As per the prosecution case, these petitioners along with other accused persons assaulted the brother of informant by fist, slaps and legs causing his death.

Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in the case. It is submitted that informant is not an eye witness of



the occurrence and he reached at the place of occurrence after alleged assault and only saw the accused persons fleeing away from the place of occurrence. During the course of investigation almost all the independent witnesses have stated that there was fight between Santosh Choudhary and the deceased in which both of them hit each other by fist and slap. Petitioners claim clean antecedent and they are in custody since 18.02.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioners, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Sherghati PS case No. 431/2020 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the



witnesses, in that case the prosecution will be at liberty to move  
for cancellation of bail.

**(Prabhat Kumar Singh, J)**

BKS/-

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