

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35737 of 2021

Arising Out of PS. Case No.-605 Year-2020 Thana- SIKARPUR District- West Champaran

1. Nand Kishore Chaudhary Son of Sri Suresh Chaudhary Resident of Village - Sherahwa Dakahwa, P.S.- Shikarpur, Distt.- West Champaran.
2. Suresh Chaudhary Son of Late Udit Chaudhary Resident of Village - Sherahwa Dakahwa, P.S.-Shikarpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 14-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioners seek bail in Shikarpur P.S. Case No. 605 of 2020, registered for the offence under Section 307 & other allied sections of the Indian Penal Code and later on, Section 302 of the Indian Penal Code was added.

As per the prosecution case, the petitioners alongwith other FIR named persons came at the door of informant and started assaulting her with *lathi* and *danda*. It is further alleged that co-accused Rajan Chaudhary assaulted the informant by means of iron rod and fractured her left hand and also snatched her *mangalsutra*. Co-accused Dilip Chaudhary assaulted



husband of informant and fractured his right hand and also took out Rs. 5,000/- from his pocket. It is further alleged that when *Bhaisur* of the informant came to save her, co-accused Ramesh Chaudhary inflicted *farsa* on his head, as a result of which, he (*Bhaisur*) fell down on the ground and during course of treatment died.

It is submitted on behalf of petitioners that petitioners have been falsely implicated in this case due to previous land dispute. There is case and counter case and present case is in retaliation of Shikarpur P.S. Case No. 604 of 2020 filed from the petitioners' side against informant side (Annexure-2 to the petition). From bare perusal of F.I.R., the specific allegation of assault is against other co-accused persons. There is no specific allegation of assault against these petitioners and they are in custody since 10.11.2020. Investigation is complete.

Learned counsel for the informant vehemently opposed the bail petition and submitted that petitioners also participated in the occurrence, as a result of which, three persons sustained injury and out of them, one person died during course of treatment.

Considering the rival submissions of the parties and the materials available on record, the bail petition of petitioners



is allowed. Let the above named petitioners be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Shikarpur P.S. Case No. 605 of 2020, on the following conditions:

“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on their absence on two consecutive dates without sufficient reason, their 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.)

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