

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26346 of 2020

Arising Out of PS. Case No.-410 Year-2019 Thana- BARACHATTI District- Gaya

1. KRISHNA CHAUDHARI S/o Biphan Chaudhari Residence of Village- Bardage, P.S.- Mohanpur, District- Gaya.
2. Bachiya Devi W/o Krishna Chaudhary Residence of Village- Bardage, P.S.- Mohanpur, District- Gaya.
3. Kanti Devi W/o Manoj Chaudhary Residence of Village- Bardage, P.S.- Mohanpur, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate
For the informant	:	Mr. Jai Narain Thakur, Advocate
For the State	:	Mr. Satya Veer, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 27-01-2021 Heard Mr. Rajesh Kumar, learned counsel for the petitioners, Mr. Jai Narain Thakur, learned counsel for the informant and Mr. Satya Veer, learned Additional Public Prosecutor appearing for the State.

Petitioners apprehend arrest in connection with Barachatti P.S. Case No. 410 of 2019 registered for the offences punishable under Sections 147, 149, 341, 323, 447, 307, 302, 379, 504 and 506 of the Indian Penal Code.

The allegation as per the First Information Report is that the petitioners arrived at the door of the informant on 2.9.2019 at about 9:30 p.m. and assaulted the husband of the



informant by means of lathi, rod etc. and co-accused Manoj Chaudhary assaulted the informant's husband by means of *Khanti*, due to which, he died during course of treatment.

Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and the entire family members have been implicated in this case due to land dispute between the parties. Learned counsel further submits that there is specific allegation against co-accused Manoj Chaudhary that he assaulted the informant's husband by means of *Khanti* on his head and the deceased died in the Hospital after one month. Learned counsel also submits that the allegation against petitioner Nos. 2 and 3 are general and omnibus in nature and only one injury has been found on the head of the deceased. Learned counsel next submits that petitioner Nos. 2 and 3 being the ladies, may be released on anticipatory bail.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that the petitioners No. 2 and 3 are ladies and there is land dispute between the parties, I am inclined to grant anticipatory bail to the petitioners No. 2 and 3 namely, Bachiya Devi and Kanti Devi.



Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners No. 2 and 3, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Gaya, in connection with Barachatti P.S. Case No. 410 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

However, taking into consideration the fact that bail application of the co-accused Manoj Chaudhary has been rejected by this Court and the petitioner No. 1 assaulted the husband of the informant by means of *lathi, danda*, rod etc. I am not inclined to grant anticipatory bail to petitioner No. 1 namely, Krishna Chaudhary.

Accordingly, the prayer for bail of petitioner No. 1 namely, Krishna Chaudhary, stands rejected.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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