

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35444 of 2020

Arising Out of PS. Case No.-39 Year-2020 Thana- OBRA District- Aurangabad

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GABUDAN CHOUDHRY @ OM PRAKASH CHOUDHRY son of
Bishwanath Choudhary Resident of Village- Tejpura, Police Station- Obra,
District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kamlendra Pd. Singh
For the Opposite Party/s : Mr.Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 25-01-2021

Heard learned counsel for the parties.

This application for grant of regular bail arises out of Obra P.S. Case No. 39 of 2020, disclosing offences punishable under Sections 302/34 of the Indian Penal Code.

The petitioner is named in the First Information Report. The informant is the brother of the victim, whose statement was recorded on 13.02.2020 at 00.45 A.M by the Police Officer in respect of an occurrence, which had taken place in the evening of 12.02.2020. There is specific allegation in the First Information Report against the petitioner of having given repeated blows with dagger on the person of the deceased, leading to his death of the



deceased. The post mortem report supports the case of the prosecution as narrated in the FIR.

Learned counsel appearing on behalf of the petitioner has submitted that the entire case of the prosecution stands falsified, if the statement of the father of the deceased recorded by the police during the course of investigation, which is available in para 10 of the case diary.

I have carefully perused the case diary. The said statement of the father of the deceased does not at all dilute the gravity of accusation, rather the same corroborates the allegation of assault made by the petitioner with active participation of other co-accused persons. One of the co-accused, namely, Golu Chaudhary has been refused privilege of regular bail by an order dated 20.01.2021 passed in Cr. Misc. No. 32686 of 2020.

Learned counsel for the petitioner has relied on an order of this Court dated 07.12.2020 passed in Cr. Misc. No. 32766 of 2020, whereby another co-accused has been allowed regular bail.

Be that as it may, considering the specific allegation against the petitioner of having assaulted the



victim repeatedly with dagger, leading to his death, I am not inclined to grant him the privilege of regular bail.

This application is, accordingly, rejected.

(Chakradhari Sharan Singh, J)

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