

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37403 of 2020

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

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Tunnu Chaudhary @ Ashok Choudhary, aged about 29 years, Male, S/o
Srinath Chaudhary, R/o Village- Tejpura, P.S.- Obra, District- Aurangabad
(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kamlendra Pd. Singh, Advocate

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 10-03-2021 Learned counsel for the petitioner has filed the

supplementary affidavit stating therein the criminal antecedent

of the petitioner. Let it be kept on record.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in connection with Obra P.S.

Case No. 39 of 2020 registered for the offence punishable under

Section 302/34 of the Indian Penal Code.

The prosecution case in brief is that one Antesh

Kumar @ Chhotu Kumar gave his fardbeyan before the Sub-

Inspector Obra Police Station and stated therein interalia that on

12.02.2020 at about 7'O clock, he was going to attend nature

call toward Sone river, in the meantime near Panchayat Building



Pipal tree he saw (1) Sanjay Choudhary @ Manjhil Choudhary (2) Gabudan Choudhary (3) Golu Choudhary (4) Tunnu Choudhary (5) Sanju Choudhary were standing there. When he went ahead he saw his brother Sunil Kumar @ Bideshi was coming from Sone side to his house. After some time he heard some hulla thereafter when he went running there then he saw Sanjay Choudhary and Sanju Choudhary were holding his brother and Tunnu Choudhary, Golu Choudhary and Gabudan Choudhary were assaulting with knife and after seeing them all started fleeing. On hulla nearby people came and they brought his brother to Primary Health Centre, Daudnagar and there he died. He further stated that when the doctor referred him, he died.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. No motive is alleged against the petitioner. Petitioner has been arrested from his house. The petitioner is in jail custody since 14.02.2020. He further submits that in paragraph-10 of the case diary, the father of the deceased has not taken the name of the petitioner while the informant in the F.I.R. has taken the name of the petitioner. From the inquest report and postmortem report finds place which also supported the version of prosecution. The



facts mentioned in the F.I.R. also goes in consonance with the descriptions of the inquest report. The postmortem report shows that 05 injuries were found on the body of the deceased caused by sharp cutting weapon.

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, I am not inclined to enlarge the above named petitioner on bail. Accordingly, the prayer for bail of the above named petitioner in connection with Obra P.S. Case No.39 of 2020 pending in the court of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad is hereby rejected at present.

(Anjani Kumar Sharan, J)

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