

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39714 of 2020

Arising Out of PS. Case No.-85 Year-2020 Thana- NAUHATTA District- Saharsa

1. Punit Choudhary @ Punit Kumar, aged about 22 years, Male, Son of Manoj Choudhary
2. Budhan Choudhary, aged about 20 years, Male, Son of Bhumi Choudhary, both resident of Village - Tirasi Tola, Bharna Nahar, Ward No.- 11, P.S.- Nauhatta, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-03-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Nauhatta P.S. Case No. 85 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307 and 302 of the Indian Penal Code.

The prosecution case as detailed in the written information by the informant, in brief is that on 11.06.2020 at about 5-6 P.M. in the evening, the informant's cousin (Fufera) namely Manjit Kumar was engaged in soil cutting along with his co-villagers at Bataua bandh when co-villager Pramod Kamat called him on mobile phone as there was scuffle between



two groups at Tirasi Tola. On such information, said Manjit came to the canal and saw Pramod Kamat and two unknown boys were being assaulted by the resident of Tirasi Tola.

The informant's said brother namely Manjit intervene to pacify the scuffle, meanwhile altogether nine named accused persons including the petitioners, came there armed with iron rod and lathi and assaulted Manjit Kumar as a result he sustained head injury besides other injuries. The co-villagers brought the injured to his home and thereafter took him to Sadar Hospital, Saharsa, where from he was brought to I.G.I.M.S., Patna for better treatment, wherein course of $\frac{3}{4}$ hours Medical treatment, the said cousin brother namely Manjit Kumar succumbed to the injuries.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case.

From perusal of first information report itself, it is manifest that general and omnibus allegations have been made against the petitioners, as altogether 11 named accused persons are being alleged to cause head and other injuries on the person of deceased. There is no specific overt act against the petitioners and petitioners are in jail custody since 20.07.2020. Learned counsel for the petitioners further submits that the I.O. has



recorded the statement of the Mukhiya in paragraph-62 of the case diary which reveals that the said Mukhiya made inquiry in the society who has categorically stated that alleged occurrence took place on account of video recording of two young girls, details given therein and on account of angry clash, between two groups, in which deceased's own associates assaulted his head accidentally. The postmortem report shows that the death caused due to head injury.

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

In the facts and circumstances of the case, let the above named petitioners be enlarged on bail **after framing of charge** on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of Sri P. Kumar, learned J.M. 1st Class, Saharsa in connection with Nauhatta P.S. Case No. 85 of 2020.

(Anjani Kumar Sharan, J)

Nasimul/-

U		T	
---	--	---	--

