

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27350 of 2021

Arising Out of PS. Case No.-419 Year-2020 Thana- DUMRAO District- Buxar

1. Prabhavati Devi Wife Of Naga Chaoudhary R/O Village- New Bhojpur, P.S.- Dumraon, Dist.- Buxar
2. Rukmani Devi Wife Of Rishikesh Choudhary R/O Village- New Bhojpur, P.S.- Dumraon, Dist.- Buxar
3. Ram Pravesh Choudhary Son Of Naga Choudhary R/O Village- New Bhojpur, P.S.- Dumraon, Dist.- Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nirbhay Prashant, Advocate
For the Informant	:	Mr. Pratik Mishra, Advocate
For the Opposite Party/s	:	Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 17-01-2022 Petitioner Nos.1 and 2 have already been granted bail vide order dated 01.10.2021. Hence the present application remains only in respect of petitioner no.3.

Heard learned counsel for the petitioner no.3, learned counsel for the informant and learned A.P.P. for the State through virtual Court proceedings.

The petitioner no.3 seeks bail in connection with Dumraon (Naya Bhojpur O.P.) P.S. Case No. 419 of 2020 dated 27.11.2020 instituted for the offences under Sections 341, 323, 325, 379, 504, 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner no.3 submits that



the petitioner is in custody since 21.12.2020, charge-sheet has been submitted and charges have been framed in the case.

Learned counsel for the petitioner no.3 submits that allegation against the petitioner no. 3 is of assaulting the deceased on head leading to his death.

Learned counsel for the petitioner no.3 submits that though there is allegation of assault against petitioner no.3 and Rishikesh Choudhary but the deceased died after twenty five days of the occurrence as such it cannot be presumed that the death was the direct result of the assault. Learned counsel further submits that Rishikesh Choudhary has been granted bail by the learned court below.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner no.3. Learned counsel for the informant submits that Rishikesh Choudhary got bail by the learned court below when Section 302 was not added and that there is a direct allegation against petitioner no.3 along with Rishikesh Choudhary of assaulting the deceased. It is further submitted that the postmortem report records that death was due to internal cranial hemorrhage on account of assault by hard and blunt substance.

Learned counsel for the petitioner no.3 rebutting the



submission of learned counsel for the informant submits that Rishikesh Choudhary was granted bail for the reason that by that time Section 302 was not added that in itself shows that petitioner has a good case for bail.

Considering the fact that there is an allegation against petitioner no.3 of assaulting the deceased leading to his death, the Court for the present is not inclined to enlarge him on bail. His prayer for bail is thus rejected.

(Satyavrat Verma, J)

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