

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35398 of 2021

Arising Out of PS. Case No.-323 Year-2020 Thana- BARAUNI District- Begusarai

1. Ramu Chaudhary Son of Late Singheshwar Chaudhary Resident of Village - Baluara, Ward no.5, P.S.- Barauni, Distt.- Begusarai.
2. Raja Kumar @ Aman Kumar Son of Sri Ramu Chaudhary Resident of Village - Baluara, Ward no.5, P.S.- Barauni, Distt.- Begusarai.
3. Rishi Kumar Son of Sri Ramu Chaudhary Resident of Village - Baluara, Ward no.5, P.S.- Barauni, Distt.- Begusarai.
4. Baby Devi W/o Sri Ramu Chaudhary Resident of Village - Baluara, Ward no.5, P.S.- Barauni, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Singh, Advocate
For the Informant	:	Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s	:	Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 10-02-2022 Heard learned counsel for the petitioners, learned counsel for the informant and Shri Harendra Prasad, learned A.P.P. for the State through virtual court proceedings.

The petitioners seek bail in connection with Barauni P.S. Case No. 323 of 2020 instituted for the offences under Sections 341, 323, 324, 447, 307, 302, 120(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioner nos. 1, 3 and 4 are in custody since 26.08.2020 and petitioner no. 2 is in custody since 28.12.2020, are persons with



clean antecedent and petitioner no. 4 is a woman.

Learned counsel for the petitioners submits that the informant alleges that Ramu Chaudhary had dispute with Chandrashekhar Chaudhary relating to road (rasta), further on 24.08.2020, Chandrashekhar Chaudhary was sitting at the door of the informant when the accused persons came variously armed and started assaulting Chandrashekhar Chaudhary and when husband of the informant (deceased) along with other family members came to save him, they were also assaulted leading to death of the husband of the informant. It is further alleged that on 25.08.2020, during the course of treatment, the husband of the informant died and as such there was a delay in lodging the F.I.R. as the informant was pre-occupied with the treatment of her husband.

Learned counsel for the petitioners submits that from perusal of the allegation as alleged it would manifest that the accused persons had dispute with Chandrashekhar Chaudhary and they saw him sitting at the door of the informant as a result of which the occurrence took place. Learned counsel further submits that it was never the intention of the petitioners to assault the husband of the informant, it was just by chance that Chandrashekhar Chaudhary was sitting at the door of the



informant and the occurrence took place when the husband of the informant came in between to settle the dispute, but in anger it appears he was also assaulted leading to death. Learned counsel further submits that from the postmortem report it would manifest that there was only one injury on the body of the deceased. It is submitted that petitioner no.2 is aged about 22 years and petitioner no.3 is aged about 19 years and petitioner no.4 is a woman who has been roped only because she is related to petitioner no.1. Learned counsel further submits that petitioner nos.2 and 3 are students and are persons with clean antecedent and if they remain in judicial custody for longer period of time then perhaps they would fall in company of criminals which may not be good for their future.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioners and submit that informant is an eye-witness to the occurrence and even if the dispute was with Chandrashekhar Chaudhary and the husband of the informant came in between then also the force which was used by the petitioners exceeded than what was required which even led to injuries being sustained by the informant, her father-in-law and others.

Considering the fact that petitioner nos. 2, 3 and 4 are



in custody, are persons with clean antecedent and petitioner no.4 is a female while petitioner nos. 2 and 3 are students and are boys of young age, let the petitioner nos. 2, 3 and 4 be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai in connection with Barauni P.S. Case No. 323 of 2020 with a condition that one of the bailor of all the three petitioners i.e., petitioner nos. 2, 3 and 4 would be Pankaj Chaudhary, brother of petitioner no. 4, further condition that if they are implicated in a case of similar nature, the court below will forthwith cancel their bail bonds.

As far as petitioner no.1 is concerned, his prayer for bail is rejected on the ground that the deceased had suffered one injury which is alleged to have been caused by the petitioners though with certainty it cannot be alleged that it was petitioner no.1 who had assaulted but since the consideration of bail of the petitioner nos. 2, 3 and 4 are on a different footing as such the Court is not inclined to enlarge the petitioner no.1 on bail. His prayer for bail is thus rejected.

(Satyavrat Verma, J)

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