

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44258 of 2021**

Arising Out of PS. Case No.-159 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

Teniya @ Teni Chaudhary Son of Janki Chaudhary Resident of Village -
Fatehpur, P.S.- Makhdumpur, District - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 06-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner seeks regular bail in connection with
Makhdumpur P.S. Case No. 159 of 2019 instituted for the
offences under Sections 302 and 343 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 16.03.2021, charge-sheet has been
submitted in the case and has got one case against him as
mentioned in paragraph '3' of the bail application.

Learned counsel for the petitioner submits that from
perusal of the allegation as alleged in the F.I.R. it would
manifest that the informant alleges that on 05.04.2019 his
brother Dileep Kumar had gone to forest to collect mahua, when
the informant was informed that his brother was being assaulted.



It is next alleged that accordingly informant reached the place of occurrence and saw the petitioner along with other named accused persons and 3-4 unknown persons with lathi and *danda* and his brother disclosed that this petitioner along with named and other unknown persons assaulted him. It is next alleged that his brother died during the course of treatment.

Learned counsel for the petitioner submits that informant in the F.I.R. alleged that it was his brother who disclosed that this petitioner along with named and 3-4 unknown persons assaulted as such informant is not an eye-witness to the occurrence. It is further submitted that mother of the deceased during the course of investigation has stated that they came to know about the occurrence and thereafter informant went at the place of occurrence and later on they came to know that it was this petitioner along with other named accused and unknown persons had committed the occurrence. Learned counsel further submits that allegation as alleged in the F.I.R. and the statement of the mother as recorded under Section 161 of the Cr.P.C. does not match, it is further submitted that it does not stand to reason that the petitioner along with other accused persons on seeing the informant would not have fled from the place of occurrence rather would have been standing



there and would have allowed the deceased to disclose that who assaulted him.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 16.03.2021, and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Jehanabad in connection with Makhdumpur P.S. Case No. 159 of 2019 with a condition that one of the bailors shall be close relatives of the petitioner.

(Satyavrat Verma, J)

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