

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47888 of 2021

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

1. Jawahar Chaudhary Son Of Late Bhola Chaudhary @ Bhuna Chaudhary
Resident Of Village - Fatehpur, P.S. - Makhdumpur, District - Jehanabad.
2. Ajay Choudhary @ Ratan Choudhary Son Of Ram Pravesh Choudhary
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. Binod Kumar

For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-01-2022 Heard learned counsel for the petitioners and the
learned APP for the State through video conferencing.

The petitioners seek bail in connection with
Makhdumpur P. S. Case No.159 of 2019, instituted for the
offences under Section 302/ 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that
the petitioners are in custody since 05.04.2021, they are persons
with clean antecedent and charge-sheet has been submitted in
the case.

The learned counsel for the petitioners submits that
informant in the F.I.R. alleges that on 05.04.2019, the brother of
the informant Shiv Kumar Mahto at 5.00 A.M. had gone to the



jungle for collecting mahua. It is further alleged that the informant came to know at about 6.00-6.15 A.M. that persons of Chaudhary community of village Fatehpur were assaulting his brother upon which the informant along with the villagers reached the place of occurrence and on seeing the informant, the petitioners along with named accused persons started fleeing with lathi, danda in their hands. It is next alleged that the brother (deceased) disclosed that he was assaulted by the accused persons and on way to hospital, he died.

The learned counsel for the petitioners submits that admittedly, no one had seen the occurrence. Further the allegation that it was the brother, who disclosed the name of the petitioners stand falsified as he did not even reach the hospital and died on the way. The learned counsel further submits that co-accused Teniya @ Teni Chaudhary has been granted bail by order dated 06.01.2022 in Cr. Misc. No.44258 of 2021 and the grounds on which he has been enlarged on bail, on the same grounds, the petitioners are seeking bail in the present case.

Perused the order dated 06.01.2022.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioners are in



custody, they are persons with clean antecedent, charge-sheet has been submitted in the case and co-accused Teniya @ Teni Chaudhary has been granted bail as aforesaid and for the reasons mentioned in the said order also, the petitioners, above-named, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jehanabad in connection with Makhdumpur P. S. Case No.159 of 2019.

The application stands allowed.

(Satyavrat Verma, J)

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