

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.943 of 2022

Arising Out of PS. Case No.-80 Year-2021 Thana- MANPUR District- Nalanda

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Babloo Chaudhary, Son Of Mahesh Chaudhary, R/O Village- Kharebigaha,
P.S.- Manpur, Dist.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34804 of 2022

Arising Out of PS. Case No.-80 Year-2021 Thana- MANPUR District- Nalanda

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Parsuram Chaudhary, Son of Late Arjun Chaudhary, Resident of Village -
Khade Bigha, P.S.- Manpur, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 943 of 2022)

For the Petitioner/s : Mr.Satya Ranjan Sinha, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

(In CRIMINAL MISCELLANEOUS No. 34804 of 2022)

For the Petitioner/s : Mr.Hansraj, Advocate

For the Opposite Party/s : Mrs.Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-10-2022 Since both the applications arise out of Manpur P.S.

Case No. 80 of 2021, as such, they have been taken up together

and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be

removed within a period of four weeks.

In the present case, the petitioners seek bail in



connection with Manpur P.S. Case No. 80 of 2021 registered for the alleged offences under Sections 147, 148, 149 and 302 of the Indian Penal Code.

As per prosecution case, when the father of the informant did not return, the informant and others went out in search of him. They saw the petitioners and other co-accused persons assaulting the father of the informant, who later on succumbed to his injuries.

It has been submitted on behalf of the petitioners that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. It is not believable that eleven named accused persons kept assaulting the father of the informant and till the arrival of the informant with the other witnesses. As a matter of fact, neither the informant nor anybody else has seen the father of the informant being assaulted by anybody when the dead body was found. A false story was cooked up wherein it has been mentioned that the accused persons including the petitioners were seen assaulting the father of the informant. Moreover, injury report shows that only a black spot on the neck and swelling on the chest have been found on the person of the deceased which falsifies the allegation of assault by eleven FIR named accused



persons. Learned counsel further submits that as a matter of fact the deceased was addicted to liquor and used to hurl abuse to the people in drunken condition and he might have been assaulted by these affected persons. It has submitted on behalf of the petitioner Babloo Chaudhary that on the date of occurrence the petitioner was at his matrimonial home where his wife was under treatment. It has been submitted on behalf of petitioner Parsuram Chaudhary that no motive or cause of assault was given and this fact also suggest that the case is entirely false and concocted. The petitioners are in custody since 03.07.2021 and 13.03.2022 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the witnesses in case diary have supported the prosecution case and post-mortem report also shows the death has been caused due to injury on chest which was caused by hard and blunt substance.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation against the petitioners which are general and omnibus with other co-accused persons and no specific overt act has been attributed to any of the petitioners and further



considering the fact that the material collected during investigation does not show the direct connection of the petitioners with the alleged offence and also considering their clean antecedent, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-5th, Nalanda at Bihar Sharif in connection with Manpur P.S. Case No. 80 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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