

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22616 of 2022

Arising Out of PS. Case No.-156 Year-2021 Thana- CHHATAPUR District- Supaul

PAPPU CHOUDHARY S/o Satrughan Choudhari Resident of Village-
Fatehpur, Police Station- Narpatganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23417 of 2022

Arising Out of PS. Case No.-156 Year-2021 Thana- CHHATAPUR District- Supaul

SHATRUGHAN CHOUDHARY @ SATRUGHAN PRASAD
CHOUDHARY S/o Late Yadu Choudhary Resident of Village- Fatehpur, P.S.-
Narpatganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22616 of 2022)

For the Petitioner/s : Mr.Krishna Pd. Singh, Sr. Adv.

: Mr.Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

(In CRIMINAL MISCELLANEOUS No. 23417 of 2022)

For the Petitioner/s : Mr.Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 16-01-2023 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioners and

learned A.P.P. for the State.

The petitioners seek bail in connection with



Chhatapur P.S. Case 156/2021, registered for the offence punishable under Sections 341, 323, 326, 379, 302, 504, 506/34 of the Indian Penal Code.

As per prosecution case, allegation against the petitioners threw the son of the informant in a pot of boiling water as a result of which deceased sustained burn injury and he died during treatment.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case due to dirty village politics and enmity. The petitioner Pappu Chaudhary is languishing in custody since 29.12.2021 and bears no criminal antecedent. The petitioner Shatrughan Choudhary @ Satrughan Pd. Choudhary is languishing in custody since 20.01.2022 and bears no criminal antecedent. Learned counsel for the petitioners further submits that occurrence took place on 12.05.2021, but fardbeyan was recorded by the police on 25.05.2021 and FIR has been lodged on 04.06.2021 after lapse of thirteen days of the alleged occurrence without cogent explanation of delay, which makes the case suspicious and doubtful. There is no motive against the petitioners to commit this crime.

The learned A.P.P. for the State vehemently opposes



the prayer for bail of the petitioners and submits that there is allegation against the petitioners that they have assaulted the deceased and threw in a pot of boiling water as a result of which deceased sustained burn injury and died. Postmortem report also supported and corroborated the said allegation against the petitioners.

Considering the facts and circumstances of the case, nature of allegation alleged against the petitioners, coupled with postmortem report and material available on record, I am not inclined to grant bail to the petitioners. Hence, prayer for bail of the petitioners stands rejected.

However, if there is no substantial progress in trial within nine months from the date of receipt / production of copy of this order, the petitioners may renew their prayer for bail.

(Alok Kumar Pandey, J)

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