

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38725 of 2023

Arising Out of PS. Case No.-77 Year-2019 Thana- AURAI District- Muzaffarpur

1. VISHWANATH PANDEY @ VISHWANATH CHOUDHARY SON OF BUJHAWAN CHOUDHARY, RESIDENT OF VILLAGE- GORAI, PS- AURAI, DISTRICT- MUZAFFARPUR.
2. RAM UDAR RAI @ RAM UDAR RAY SON OF LATE CHULHAI RAI, RESIDENT OF VILLAGE- BARHAD, PS- HATHAURI, DISTRICT- MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Ritwik Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s :		Mr. Raj Ballabh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 03-08-2023 Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Aurai P.S. Case No. 77 of 2019, registered for offence punishable under Sections 302, 341, 323, 147, 148 and 354 of the Indian Penal Code.

3. As per allegation, on 23.03.2019 at 8:00 A.M. when the informant was at his shop, the accused persons, including the petitioners, came to his shop and asked his mother to vacate the land and at that time, co-accused Amarnath Thakur caught



hold of neck of the mother of the informant. All the accused persons assaulted the informant's mother with *Lathi* and *Danda*, resulting into she became unconscious and later on died.

4. The learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. As per post-mortem report, the cause of death could not be ascertained and the case was not found to be true during the course of investigation. The learned counsel has submitted further that five co-accused persons, on exactly similar ground, have been granted bail, vide Cr. Misc. No. 34397 of 2019.

5. On the other hand, the learned APP has opposed the prayer for bail and submitted that there is allegation against the petitioners that they badly assaulted the mother of the informant, resulting into her death.

6. Considering the above-mentioned facts and circumstances and also considering that the petitioners are the persons of clean antecedents and other co-accused persons, on similar footing, have been granted anticipatory bail by a coordinate Bench of this Court, the petitioners above-named, in the event of their arrest or surrender, within four weeks from today, are directed to be released on bail on furnishing bail



bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Muzaffarpur in connection with Aurai P.S. Case No. 77 of 2019, subject to condition as laid down under section 438(2) Cr. P.C.

(Nawneet Kumar Pandey, J)

Mahesh/-

U		T	
---	--	---	--

