

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62544 of 2022

Arising Out of PS. Case No.-18 Year-2015 Thana- BAIRIYA District- West Champaran

1. Raghubir Chaudhary S/O Late Maneger Chaudhary @ Manejar Chaudhary
R/V- Bhitaha, P.S.- Bairiya, District- West Champaran
2. Upendra Chaudhary S/O Late Maneger Chaudhary @ Manejar Chaudhary
R/V- Bhitaha, P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-02-2023 Heard learned counsel for the petitioners and

learned A.P.P appearing on behalf of the State.

The petitioners are languishing in custody in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 302, 504 of the Indian Penal Code.

The informant, brother of the deceased, named seven persons in the F.I.R and alleged that they all assaulted the deceased Uday Lal with iron rod and Sarhat (a kind of sharp-edged weapon). The informant did not disclose that out of seven persons who assaulted



the deceased.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in this case. There is general, omnibus and vague allegation against all the seven F.I.R named accused persons including the petitioners of assaulting the deceased but it is not established even by the evidence collected during investigation as to who out of seven persons had assaulted the deceased causing fatal injury in his head. It is further submitted that the independent witnesses in para 65 to 68 of the case diary have stated that the deceased and his brother, after taking liquor, went to the house of Jagira Devi and started teasing her. The neighbours became angry with such ill-treatment and assaulted the deceased. Moreover, similarly situated co-accused person has been granted bail vide Cr. Misc. No. 21362 of 2015. The petitioner is languishing in custody since 30.08.2022. A statement has been made in para 3 of the petition that petitioners



have no criminal antecedent.

Considering the facts aforesaid and the period under custody, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge, West Champaran at Bettiah in connection with Bairiya P.S. Case No. 18 of 2015 (Sessions Trial No. 719/2022).

(Sunil Kumar Panwar, J)

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