

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50584 of 2024

Arising Out of PS. Case No.-1770 Year-2023 Thana- NAWADA District- Nawada

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Anil Chaudhary S/O Late Shiva Chaudhary @ Lare Raj Kumar Chaudhary
R/O VILLAGE- GONDAPUR, PS- TOWN, DISTRICT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 30-08-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Nawada Town P.S. Case no.1770 of 2023 registered under sections 302, 147, 148, 149, 448, 504 and 326 of the Indian Penal Code.

3. As per the prosecution case, the informant states that over a dispute relating to gambling next to the informants house it is stated that altercation started as a result of which the accused persons forcibly entered in the informant's house. Vikki Chaudhary and Pawan Kumar are said to have assaulted the brother of the informant with a knife as a result of which he sustained injuries and subsequently died.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the



case. The specific allegations in the FIR are against Vikki Chaudhary and the Pawan Kumar and not the petitioner herein. The manner of occurrence is other than what has been narrated in the FIR. The occurrence took place elsewhere. Referring to the fardbeyan it is stated that it clearly shows that there is overwriting on the date and time of recording of the same. It was after the death of the informant's brother that the story was cooked up and the FIR was registered on the next day ie 13.11.2023 though the police station is only at the distance of 2 kilometres from the alleged place of occurrence. The petitioner is in custody since 20.12.2023 and undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that there is direct allegation of overt act against this petitioner leading to the death of the informant's brother. It is further submitted that the trial is near conclusion.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 2.8.2024 out of the seven chargesheet witnesses, three witnesses have been examined and four remain to be examined.



7. It is submitted by learned counsel for the informant that as per oral instructions received, the fourth prosecution witness has been examined on 28.4.2024.

8. Having heard learned counsel for the parties and taking into consideration the direct allegations against the petitioner in the F.I.R. and the trial being near its conclusion with three witnesses remaining to be examined on behalf of the prosecution, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

9. Liberty is granted to the petitioner to renew his prayer for bail after six months.

(Partha Sarthy, J)

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