

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65313 of 2024

Arising Out of PS. Case No.-210 Year-2024 Thana- AKBARPUR District- Nawada

1. Gujarati Devi @ Gujarati Wife of Binod Chaudhary R/o Village- Akbarpur, P.S.- Akbarur, District- Nawada
2. Binod Chaudhary Son of Saraju Chaudhary R/o Village- Akbarpur, P.S.- Akbarur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Nayan
For the Informant	:	Mr. Sheo Kumar Prasad
For the Opposite Party/s	:	Mr. Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 16-12-2024 Heard learned counsel for the petitioners and learned A.P.P for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Akbarpur P.S. Case No. 210 of 2024 dated 13.06.2024 registered for the offences punishable u/s 302 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, on 12.06.2024, the petitioners and the co-accused persons are alleged to have assaulted the informant and fled away. When the informant went to police station for lodging the FIR, she came to know that the accused persons has already filed the case against her and her



family members. On 13.06.2024, the health of the informant's husband deteriorated and started vomiting blood. While the injured were being taken to hospital, on the way he died. It is further alleged that the accused Vinod Chaudhari and his two brothers assaulted on the chest of the informant and due to that the died.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The deceased was suffering from liver and kidney problem. There is general and omnibus allegation against the petitioners. The petitioner no. 1 is lady. The petitioners have clean antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 13.06.2024.

5. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners by submitting that there is direct allegation against the petitioner no. 2 of assaulting the deceased on his chest due to that his two bones of ribs were broken. As per the postmortem report, two ribs were broken, and blood clotting was found inside his chest and abdominal cavity due to that he died.

6. Considering the aforesaid facts and circumstances



of the case as well as the period of custody, the petitioner no. 1, namely, Gujarati Devi @ Gujarati, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Nawada in connection with Akbarpur P.S. Case No. 210 of 2024.

7. The application for the petitioner no. 1, namely, Gujarati Devi @ Gujarati stands allowed.

8. So far as, the petitioner no. 2, namely, Binod Chaudhary, is concerned, considering the heinous nature of allegation made against him in the case diary, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail petition of the petitioner no. 2, namely, Binod Chaudhary stands rejected.

(Chandra Prakash Singh, J)

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