

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49919 of 2015

Arising Out of PS.Case No. -108 Year- 2015 Thana -BACHWARA District- BEGUSARAI

1. Praveen Choudhary@ Praveen Kumar Chaudhary Son of Pokhi Choudhary R/o Village Bachhwara, P.S. Bachhwara, District Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.51819 of 2015

Arising Out of PS.Case No. -108 Year- 2015 Thana -BACHWARA District- BEGUSARAI

1. Vinod Choudhary @ Binod Choudhary Son of Mahesh Choudhary Resident of Village- Bachhwara, P.s Bachhwara, District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.49919 of 2015)

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Rajendra Prasad Nat (App)

(In Cr.Misc. No.51819 of 2015)

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Khurshid Anwar(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 14-12-2015 Both the criminal miscellaneous applications are of the same occurrence and, as such, have been heard together and are being disposed of by this common order.

Heard learned counsels for the petitioners and learned A.P.P. representing the State.

The petitioners seek bail in connection with Bachhwara P.S. Case No. 108 of 2015 registered for the offences punishable under Sections 147, 148, 149, 109, 341, 323, 324, 302, 307 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly the petitioners and others F.I.R. named accused persons along with unknown, tried to plough the land of the informant with tractor and when the informant, his sons and brothers protested, then on the order of co-accused Sanatan Choudhary, co-accused Sanjay Chaudhary opened two fire and then the petitioner Praveen Chaudhary and co-accused Pokha Choudhary caught hold Pankaj Choudhary and the petitioner Vinod Choudhary and co-accused Keshav Choudhary gave spear blow on Pankaj Choudhary and further other co-accused assaulted the two brothers and other son of the informant resulting Pankaj Choudhary succumbed to the injury.

Submission is of false implication due to land dispute. There is case and counter case. During postmortem examination two sharp cut injuries have been found which were inter-connecting. The occurrence as alleged by the informant is not true. No fire arm injury has been found on any one and, as such, the petitioners who were also injured, having no criminal antecedent, deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that Vinod Chaudhary is one of the assailants.

Considering the allegation against Vinod Choudhary of Criminal Misc. No. 51819/15 that he is the assailant, this Court is not inclined to enlarge him on bail and, as such, his prayer for bail stands rejected.

So far the petitioner Praveen Choudhary of Criminal Misc. No. 49919/15 is concerned, considering the allegation against him that he caught hold the deceased, he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Judicial Magistrate 1st Class, Begusarai arising out of Bachhwara P.S. Case No. 108 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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