

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10899 of 2015

Arising Out of PS.Case No. -372 Year- 2014 Thana -BATHNAHA District- SITAMARHI

1. Prabhansh Choudhary S/O Lae Sahdev Choudhary, resident of village-
Jamuna Barahi, P.S. Bathnaha, Dist. Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.11644 of 2015

Arising Out of PS.Case No. -372 Year- 2014 Thana -BATHNAHA District- SITAMARHI

1. Sanjay Chaudhary Son of Kripali Chaudhary resident of village Jamuna
Barahi, Police Station Bathnaha, District Sitamarhi, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.10899 of 2015)

For the Petitioner/s : Mr. Ranjeet Kumar Mishra

For the Opposite Party/s : Mr. P.K.Chaurasia(App)

(In Cr.Misc. No.11644 of 2015)

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. T.P.Mandal(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH

ORAL ORDER

2 30-04-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case
registered for the offences punishable under Sections 302 and
120B/34 of the Indian Penal Code and section 27 of the Arms Act.

It is alleged that Madan Choudhay, Subodh Choudhary



and Dilip Choudhary over took the brother of the informant through motorcycle being driven by Madan Choudhary, thereafter Subodh Choudhary and Dilip Choudhary fired at the brother of the informant while he was fleeing away. Subsequently, the brother of the informant succumbed to the injuries. The motive for the occurrence alleged to be the objection raised by victim while accused were casting bogus votes during PACCS election when victim was threatened.

It is submitted by the learned counsel for the petitioners that there is specific accusation against three persons to have chased and out of three, two persons, namely, Subodh Choudhary and Dilip Choudhary fired and from the FIR itself, it appears that due to political rivalry the petitioners have been roped in the present case. Statements have been made in paragraph 3 of both the petitions that the petitioners have no criminal antecedent.

It is submitted by learned counsel for the informant that in a deep rooted conspiracy the brother of the informant was killed and these petitioners were also parties to the conspiracy. It is further submitted that vivid description of the entire occurrence has been given by the wife of the victim during investigation.

Considering the fact that specific accusation of firing is against two co-accused, let the above named petitioners be

released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Sitamarhi in connection with Bathnaha P.S. Case No. 372 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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