

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33510 of 2015

Arising Out of PS.Case No. -200 Year- 2014 Thana -NAUHATTA District- SAHARSA

- =====
1. Shiv Shankar Chaudhary, Son of Late Ram Lal Chaudhary
 2. Durgesh Chaudhary, Son of Shiv Shankar Chaudhary
 3. Bhagwat Chaudhary, Son of Late Ram Lal Chaudhary All Resident of Village- Patti Bargawan, P.S.- Nauhatta, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary

For the Opposite Party/s : Mr. Nawal Kishore Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-08-2015

Heard learned counsels for the petitioners,
informant and the State.

Petitioners are apprehending their arrest in
a case registered for the offences punishable under Sections
341, 384, 323, 307/34 of the Indian Penal Code.

The prosecution case is that the informant
was doing plantation when petitioner Nos. 2 and 3 came and
demanded Rs. 25,000/- as extortion and thereafter on the
order of petitioner No. 1, co-accused Gauri Choudhary(non-
petitioner) assaulted with iron rod on the head of the
informant.

It is submitted by learned counsel for the
petitioners that accusation of assault is not levelled against the
petitioners. The only specific accusation against petitioner No.

1 is that he was an order giver but then the accusation has been levelled in the background of Title Suit No. 09 of 2009 being pending between the parties from before and at earlier occasion also the informant's side instituted three cases against the petitioners' side. Moreover a statement has been made in para 15 of the petition that injury of the informant has been found to be simple.

Considering the fact that accusation of assault has not been levelled against the petitioners and the accusation has been levelled in the background of litigated relationship between the parties, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saharsa in connection with Nauhatta P.S. Case No. 200 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Shageer/-

(Dinesh Kumar Singh, J)

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