

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44789 of 2015

Arising Out of PS.Case No. -263 Year- 2015 Thana -KHAGARIA District- KHAGARIA

- =====
1. Niranjan Choudhary S/o Late Ram Parikshan Choudhary.
 2. Mahesh Choudhary S/o Nand Kishore Choudhary.
- Both resident of village- Nayatola Rahimpur, P.S.- Mufassil, District-
Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 14-10-2015

Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend arrest in Khagaria
(Muffasil) P.S. Case No. 263 of 2015 dated 26.04.2015
instituted under Sections 147/148/149/323/379/307/504 of
the Indian Penal Code and 27 of the Arms Act.

The allegation against the petitioners and 26
named and other unnamed persons is that they were armed
with fire arms and the petitioner no. 1 is said to have
assaulted the cousin brother of the informant and with regard
to the rest, there is allegation of firing and taking away 40
bags of wheat. Learned counsel submits that there is past
history of land dispute and litigation between the parties and
such type of cases are regularly filed and the present case is
also false since there is no supporting injury report to indicate

any injury on the prosecution party. Learned counsel further submits that at 9.00 P.M., 50-60 persons coming and looting away 40 bags of wheat and also taking the key of the tractor and the mobile handset cannot be believed.

Learned A.P.P. while opposing the prayer for anticipatory bail submits that both the petitioners have criminal antecedent under the Arms Act as well as various Sections of the Indian Penal Code including Sections 379 and 307.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioners on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioners surrender and pray for regular bail before the Court below, the same shall be considered on its own merits without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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