

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.46045 of 2014**

Arising Out of PS.Case No. -121 Year- 2003 Thana -BHAGWANPUR District- BEGUSARAI

1. Hira Chaudhary  
2. Than Than Chaudhary @ Santosh Chaudhary  
3. Mantosh Chaudhary  
All are Sons of Late Chandradeo Choudhary @ Chandi Chaudhary Resident  
of village- Dadpur, P.S.- Bhagwanpur, O.P. Tiyai, District- Begusarai  
..... Petitioner/s

Versus

1. The State of Bihar  
..... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Nilesh Kumar  
For the Opposite Party/s : Mr. Ganesh Pd.Singh(App)

**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**  
**ORAL ORDER**

3      20-05-2015      Heard Mr. Ajay Thakur for the petitioners and Mr.  
Ganesh Prasad Singh, APP for the State.

Three brothers herein have sought anticipatory bail in connection with Bhagwanpur P.S. Case No. 121 of 2003. According to the First Information Report, 10 accused persons including the petitioners forming an assembly surrounded the son of the informant. The accused Fulena @ Fudia is said to have fired which hit the chik of the victim. Amresh Chaudhary thereafter again fired on the chest of the victim. Luto Chaudhary is also alleged to have fired causing injury on the shoulder of the victim. As a result of these injuries sustained by the victim, he died.

Mr. Thakur, learned counsel for the petitioners submits that even going by the allegations contained in the F.I.R., there is



no allegation of assault attributed to the petitioners who are full brothers. Initially three named accused persons were sent up by the Police who were tried and acquitted vide order as contained in Annexure-2 passed in S.T. No. 428 of 2005. Subsequently, Fulena Choudhary, one of the main accused of the case was sent up, faced trial vide S.T. No. 620 of 2005 and was acquitted for want of evidence. In the year 2011, the petitioners have been charge-sheeted in the present case. Petitioner nos. 2 and 3 do not carry any criminal antecedent whereas one case is pending under Section 307 IPC against petitioner no. 1.

Learned APP, on going through the petition as well as F.I.R., has not disputed the aforesaid fact.

In the facts and circumstances of the case, in the event of arrest or surrender in the Court below within four weeks, the petitioners abovenamed are directed to be released on 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 Chief Judicial Magistrate, Begusarai in Bhagwanpur P.S. Case No. 121 of 2003 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(I) One of the bailers shall be the own/close family members of the petitioners.

(ii) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the Court below. In case of default on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioners secure their arrest in accordance with law.

**(Kishore Kumar Mandal, J)**

Pankaj/-

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