

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44470 of 2014

Arising Out of PS.Case No. -56 Year- 2014 Thana -NARDIGANJ District- NAWADA

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1. Anil Chaudhary Son of Dulli Chaudhary
2. Bhagirath Chaudhary Son of Dulli Chaudhary Both R/o Village
Bhadaur,P.S. Nardiganj, District Nawada

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate

For the Opposite Party/s : Mr. Md. Sufiyan (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 08-04-2015

Heard learned counsel for the petitioners as well as

learned APP for the State.

Vijay Chaudhary had filed a written report on 06.04.2014 disclosing therein that on 05.04.2014 at about 7:00 p.m. while he was sitting at his business place, Girani Chaudhary, Gore Lal Chaudhary, Bagirath Chaudhary, Mithilesh Chaudhary and Anil Chaudhary came at his shop, lifted Rs. 5,000/- and a mobile set as *Rangdaari*. They also abused him. Further, they disclosed that they have to spend Rs. 50,000/- to materialize Nardiganj P.S. Case No. 88/2012, on account thereof, he will have to pay the same, otherwise, he will be murdered and his house and shop will be put under fire. Informant ran therefrom. Girani Chaudhary fired from his pistol which did not hit him. Gore Lal also fired from his gun which also missed to hit the informant.

It has also been disclosed that, at that very time, Anil

was armed with Farsa, Bhagirath was armed with Saif and Mithilesh with iron rod. After hearing the firing sound local inhabitants rushed. Police was also informed and on account thereof, the accused persons escaped therefrom. Though, petitioners' name is found in the written report, however, Column-7 of the formal FIR did not disclose their presence.

Learned counsel for the petitioners referred Annexure-3, charge-sheet submitted by the police against his three brothers while keeping investigation pending against these two petitioners and on account thereof, it has been submitted that in spite of having absence in Column No.7 of the formal FIR, status of petitioners happens to be that of FIR named accused.

Taking into account the allegation on its face, it is apparent that petitioners' presence happens to be that of mere member of unlawful assembly and on account thereof, it looks better to direct the petitioners to surrender before learned trial court with a prayer for bail which, the learned trial court will favourably consider in the light of aforesaid findings.

With the aforesaid observation, the instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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