

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43227 of 2015

Arising Out of PS.Case No. -156 Year- 2014 Thana -SALKHUA District- SAHARSA

=====

Bipin Chaudhary, son of Late Brahamdeo Chaudhary, resident of Kharhoriya, P.S Salkhua (Chiraiya) District Saharsa.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

with

Criminal Miscellaneous No.47578 of 2015

Arising Out of PS.Case No. -156 Year- 2014 Thana -SALKHUA District- SAHARSA

- =====
1. Rudal Choudhary Son of Chhatish Choudhary, Resident of Village - Sauthi, Police Station - Salkhua (O.P.) Chairaiya, District - Saharsa.
 2. Abdes Choudhary, Son of Late Nagina @ Lagina Choudhary,
 3. Subodh Choudhary, Son of Late Nagina @ Lagina Choudhary, Both Resident of Village - Kharhoriya, Police Station - Salkhua (O.P. Chairaiya), District - Saharsa.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

3 03-12-2015 Heard learned counsels for the petitioners in both the anticipatory bail applications and learned Additional P.Ps. for the State.

The petitioners pray for anticipatory bail in a case under Sections 147, 148, 149, 307, 384, 504 of the IPC and Section 27 of the Arms Act.

So far as Cr.Misc.No.47578 of 2015 is concerned, the



anticipatory bail application is to be considered only with regard to petitioner Nos. 2 and 3, namely, Abdes Choudhary and Subodh Choudhary, since the bail application stood withdrawn with regard to petitioner No.1 Rudal Choudhary, who had been arrested during the pendency of the application.

It is the stand of learned counsel for the petitioners in this matter that there is no specific allegation against these petitioners and the allegation of firing is against the petitioner Bipin Chaudhary, who has filed other Cr.Misc.No.43227 of 2015. It is also submitted that these two petitioners do not have any criminal antecedent and have been falsely implicated in this case on account of village rivalry. Moreover, it is submitted that the injury of fire arm has been received in the thigh, which is though grievous but would not result into death and thus no case under Section 307 IPC has been made out.

Learned counsel for the petitioner Bipin Chaudhary, while adopting other submissions of learned counsel of other two petitioners, submits that though there is direct allegation of opening fire against this petitioner but there is no intention to kill rather in the same transaction the brother-in-law of Bipin Chaudhary has been killed by the informant and his men for which Salkhua P.S.Case No. 153 of 2014 has been registered under

Sections 147, 148, 149, 302 and 34 of the Indian Penal Code and 27 of the Arms Act. It is also submitted that this petitioner has also no criminal antecedent and there has been pre-existing land dispute between the parties which led to the occurrence.

On a consideration of the facts and circumstances of the case, it is directed that the petitioners, namely, (1) Bipin Chaudhary, (2) Abdes Choudhary and (3) Subodh Choudhary, in the event of their arrest/surrender in the court below within a period of four weeks from today shall be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each in connection with Salkhua P.S.Case No. 156 of 2014 to the satisfaction of Sri S.Kumar, Judicial Magistrate, 1st Class, Saharsa, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ramesh Kumar Datta, J)

spal/-

U			
---	--	--	--