

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33647 of 2016

Arising Out of PS.Case No. -196 Year- 2015 Thana -MAHISI District- SAHARSA

1. Pankaj Choudhary, Son of Late Jeetan Choudhary.
2. Vivek Kumar Choudhary, Son of Pankaj Choudhary,
3. Seema Devi, Wife of Pankaj Choudhary,
All are resident of Village- Murli P.S.- Mahishi (O.P. Jalai), District-
Saharsa.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Pramod Mishra, Adv.

For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 05-09-2016

Heard learned counsel for the petitioners and learned
APP for the State assisted by learned counsel for the informant.

2. The petitioners apprehend their arrest for the
offences alleged under Sections 448, 341, 323, 324, 308, 380,
354A, and 504/34 of the Indian Penal Code registered in
connection with Mahishi P.S. Case No. 196 of 2015.

3. It is submitted that the petitioners have been
falsely implicated as there is a case and counter case between the
parties. There is specific accusation against petitioner no. 1 of
having assaulted on the head of the informant, the allegation with
regard to petitioner nos. 2 and 3 is general and omnibus. A
separate F.I.R. being Saharsa S.C./S.T. P.S. Case No. 44 of 2015 was
also instituted under the provisions of the Scheduled Castes &
Scheduled Tribes (Prevention of Atrocities) Act against the
petitioners which was however found to be false and final form
was submitted which has been accepted. Petitioners claim clean
antecedents.

4. Considering that the injury report of the informant

discloses that injury no. 1 is grievous in nature which appears to support the accusation against the petitioner no. 1, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no. 1. The bail petition of petitioner no. 1 accordingly stands dismissed.

5. As regards the petitioner nos. 2 and 3, considering that the accusations are general and omnibus in nature, in the event of the petitioner nos. 2 and 3's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner nos. 2 and 3 be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Mahishi P.S. Case No. 196 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

Md. Ibrarul/BT

(Vikash Jain, J)

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