

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17555 of 2016

Arising Out of PS.Case No. -34 Year- 2016 Thana -KUDRA District- BHABHUA (KAIMUR)

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1. Barhu Choudhary Son of Late Sukhdeo Choudhary
 2. Banwari Choudhary Son of Late Sukhdeo Choudhary
 3. Rajendra Choudhary Son of Barhu Choudhary
 4. Surendra Choudhary Son of Barhu Choudhary
 5. Subash Choudhary Son of Rajendra Choudhary
 6. Prasad Choudhary Son of Nifikir Choudhary
 7. Mangal Choudhary Son of Nifikir Choudhary (wrongly mentioned the name of father Langatu Choudhary)
 8. Basant Choudhary Son of Banwari Choudhary
 9. Lallan Choudhary
 10. Janardan Choudhary, both Sons of Misri Choudhary
 11. Vijay Choudhary
 12. Mahendra Choudhary, both Sons of Shri Choudhary. All resident of village- Bagra, P.S.- Kudra, District- Kaimur (Bhabua)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Uday Chandra Pd. (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-04-2016 Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners apprehend arrest in connection with

Kudra P.S. Case No. 34/16 for offences alleged under Sections

147, 148, 149, 342, 323, 386, 307 of the Indian Penal Code and

under Section 27 of the Arms Act.

The prosecution case, as lodged by the

complainant/informant, is that all the accused persons variously

armed with weapons came to the field of the complainant/ informant and demanded rangdari of Rs. 80,000/- and on refusal snatched Rs. 5600/- from his pocket as also opened fire, but somehow he escaped.

It has been submitted by the learned counsel for the petitioners that the matter is basically a land dispute for which Title Suit No. 47/91 is pending before the Sub-Judge filed by the petitioner Barhu Mandal @ Barhu Choudhary and his brothers. He further submits that the complainant Chandrama Yadav bought some land relating to the title suit from one Muni Singh in the year 2007 and on the basis of that several cases have been instituted from the informant's side against these petitioners. Initially, the complainant/ informant file Complaint Case No. 1194C/08, which was later on registered being the present First Information Report under Section 156(3) Cr.P.C. Learned counsel for the petitioners further submits that the petitioner no. 1's wife had lodged Kudra P.S. Case No. 87/08 against the informant's side, hence, both the sides are on inimical terms regarding property dispute. It has further been submitted that no injury has been caused and the allegation of theft is also not made out specifically against these petitioners. He further contends that the complaint case has been lodged on 16.09.2008 for an offence alleged to have occurred on

02.09.2008 after inordinate delay, which itself raises suspicion about the whole incident.

However, learned APP for the State submits that the petitioners are named in the First Information Report and opposes the prayer for bail.

Be that as it may, since the matter relates to civil dispute, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua, in connection with Kudra P.S. Case No. 34/16, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Rajesh/-

(Nilu Agrawal, J.)

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