

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19461 of 2016

Arising Out of PS.Case No. -88 Year- 2015 Thana -KATRAHA District- VAISHALI(HAJIPUR)

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1. Mithilesh Choudhary @ Mithilesh Kumar
 2. Mrityunjay Choudhary @ Mrityunjay Kumar
Both sons of Upendra Choudhary
 3. Rajendra Choudhary S/o late Niranjana Choudhary
 4. Rahul Thakur @ Rahul Kumar S/o Ganauri Thakur
 5. Chandeshwar Thakur S/o late Prahlad Thakur
All residents of Village -Ghatara, P.S. Kartaha, Distt Vaishali.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajit Kumar, Advocate

For the State : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 26-05-2016 Learned counsel for the petitioners submits that petitioner no. 3, namely, Rajendra Choudhary, already having been taken in custody, this application has become infructuous.

Accordingly, this application is dismissed as infructuous against petitioner no. 3.

Heard learned counsel for the petitioner nos. 1, 2, 4 and 5 and the State.

The petitioners apprehend their arrest in a case registered for offences punishable under Sections 147, 148, 149, 323, 324, 447, 307, 384 and 379 of the Indian Penal Code.

It is contended on behalf of the petitioners that the



allegation upon the petitioner no. 1, Mithilesh Choudhary of assaulting the informant by butt of revolver whereas petitioner no. 4 Rahul Thakur has assaulted him by “Dab” causing injury on his head. Allegation against petitioner 5, Chandeshwar Thakur is that he has assaulted the informant by rod. Allegation of assault is general and omnibus against all the accused persons upon the brother of the informant, Ashish Kumar. It is further contended that though the allegation is of assault by so many persons but there is only one injury upon the informant which is a lacerated wound simple in nature caused by hard and blunt substance. There is no injury by sharp cutting weapon though the allegation upon the petitioner Rahul Thakur is that he has assaulted the informant by “Dab” which is a sharp cutting weapon. That apart, it is submitted that had there been intention of killing the informant then a person holding a revolver in hand would not have assaulted him by butt of his revolver rather he could have fired upon him. It is, thus, urged that the entire allegation is a cock and bull story. It is also contended that the allegation is of demand of extortion money of merely ten thousand rupees and the petitioners are having clean antecedents.

Having regard to the aforesaid facts and circumstances of the case, let the petitioner no. 1 Mithilesh

Choudhary @ Mithilesh Kumar, petitioner no. 2, Mrityunjay Choudhary @ Mrityunjay Kumar, petitioner no. 4, Rahul Thakur @ Rahul Kumar and petitioner no. 5, Chandeshwar Thakur be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Kartaha P.S. Case No. 88 of 2015 on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

However, at the time of furnishing bail bonds the court below would verify the criminal antecedents of the aforesaid petitioner nos. 1, 2, 4, and 5 and if they are found involved in any criminal case lodged prior to filing of the present application, i.e., before 4.4.2016 then they would be taken in custody.

(Dr. Ravi Ranjan, J)

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