

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17915 of 2016

Arising Out of PS.Case No. -290 Year- 2015 Thana -BALIA District- BEGUSARAI

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1. Ram Shankar Choudhary, Son of Late Misri Choudhary
 2. Rajesh Choudhary
 3. Mukesh Choudhary
 4. Nikesh Choudhary
 5. Brajesh Choudhary. All Sons of Ram Shankar Choudhary, R/o village-
Masudanpur, P.S.- Balia, District- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. B.N.Panday(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-05-2016 Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners apprehend arrest in connection with

Ballia P.S. Case No. 290/15 for offences alleged under Sections

323, 506, 147, 149, 160, 395 of the Indian Penal Code and under

Section 27 of the Arms Act. Initially a complaint bearing

Complaint Case No. 1459/15 had been filed by the complainant

which was later on converted into police case under Section

156(3) Cr.P.C.

The prosecution case, as lodged by the informant,

is that on 24.03.2015 at 9.00 P.M. petitioners armed with gun

came on the field of the informant, cut and took away the wheat crops. When the informant protested, they abused them and threatened to kill. It is alleged that the petitioners looted 80 mounds wheat worth Rs. 50,000/- and sold it to one Lallan Choudhary.

It has been submitted by the learned counsel for the petitioners that they are innocent belonging to the same village and there is a long drawn land dispute between the parties, which was enquired into by the Circle Officer, Ballia and a proceeding under Section 144 Cr.P.C. is going on between the parties. It has further been submitted that the petitioner's side had also complained to the police regarding land dispute. He further submits that the petitioners have clean antecedent and Section 395 I.P.C. or Section 27 of the Arms Act is not applicable against him.

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

Be that as it may, since there is civil dispute between the parties, 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, Begusarai, in connection with Ballia P.S. Case No. 290/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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