

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.557 of 2017

Arising Out of PS.Case No. -149 Year- 2016 Thana -SAHKUND District- BHAGALPUR

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1. Pintoo Choudhary @ Vivekanand Choudhary, S/o- Subhash Choudhary, resident of village- Purani Kherhi, P.S.- Shahkund, District- Bhagalpur,
 2. Pramod Choudhary, S/o late Shyam lal Choudhary, resident of village- Purani Kherhi, P.S.- Shahkund, District- Bhagalpur,
 3. Arvind Choudhary S/o late Shyam Lal Choudhary, resident of village- Purani Kherhi, P.S.- Shahkund, District- Bhagalpur,
 4. Tripurari Choudhary, S/o late Majuli Choudhary, resident of village- Purani Kherhi, P.S.- Shahkund, District- Bhagalpu,
 5. Kedar Choudhary @ Kedar Prasad Choudhary, S/o late Majuli Choudhary, resident of village- Purani Kherhi, P.S.- Shahkund, District- Bhagalpur, &
 6. Dhananjay Choudhary, S/o late Parshuram Choudhary, resident of village- Purani Kherhi, P.S.- Shahkund, District- Bhagalpur.
- Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 19-01-2017

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in Shakund P.S. Case No.149 of 2016 instituted for the offence under Section(s) 147, 148, 149, 323, 307, 379, 337, 427, 504, 506 Indian Penal Code and Section 27 of the Arms Act.

It is alleged that on the date of occurrence the petitioners along with 10-15 unknown persons arrived at Maa Motors Hero motorcycle showroom of the Informant and damaged the motorcycles. It is further alleged that on the order of



Pramod Choudhary, petitioner No.1 and petitioner No.5 fired and attacked the Informant. He was saved by Suresh Yadav, Md. Akhtar, and Deep Narayan Singh. Gorelal Yadav assaulted Suresh Yadav on his head by rod causing serious injury. The accused also assaulted Md. Akhtar and Deep Narayan Singh. The bodyguard and other people saved the Informant. The accused persons also looted the shop of Vikash Kumar Singh. Accused Tripurari Choudhary assaulted Vikash Kumar Singh with iron rod due to which he fell down and became unconscious. He also snatched the golden chain. The accused also damaged the shop of Bittu Singh. Further allegation is that on the protest of Ramesh Singh, Pintoo Chaudhary attacked him, put pistol on his chest and took out Rs.12-13 thousand.

It has been submitted that Title Suit No.243 of 2016 is pending between the parties and counter case has also been lodged on the *fard-e-bayan* of Petitioner No.4 against the Informant and other accused for the offence under Section 307 and other allied Sections of the Indian Penal Code. It has further been submitted that petitioner No.4-Tripurari Choudhary sustained grievous injury and petitioner No.1 sustained injury on his head. Both the Injury Reports have been annexed as Anenxurte-3 and 4. Injury Report of accused Vikash Kumar Singh, Ramesh Singh and Suresh Yadav, all injured of the instant



case, have been annexed as Annexure-5 series, wherein, the doctor has reserved the opinion.

In this manner, from the Injury Report of both the sides, it appears that the Informant side was also aggressor and the Injuries have been sustained by these petitioners also in the occurrence committed from the side of the Informant and others for which Sahkund P.S. Case No.154 of 2016 has been lodged by the petitioner No.1.

In such circumstances, prayer of the petitioners for anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Shahkund P.S. Case No.149 of 2016, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Bhagalpur, subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Sanjay Priya, J)

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