

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3717 of 2017

Arising Out of PS.Case No. -145 Year- 2016 Thana -BIRAUL District- DARBHANGA

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1. Lakshmi Narayan Choudhary, son of Late Dhanik lal Choudhary,
2. Brajnandan Choudhary, son of Late Dhanik lal Choudhary,
3. Bhagya Narayan Choudhary, son of Late Dhanik lal Choudhary,
4. Kaushal Kumar Choudhary, son of Brajnandan Choudhary,
5. Niru Kumar Choudhary, son of Brajnandan Choudhary,
6. Pankaj Kumar Choudhary, son of Bhagya Narayan Choudhary, All residents of Village-Manikpur, Police Station-Biraul, District-Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ahmad Ali, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 14-02-2017 Heard learned counsel for the petitioners and learned counsel representing the State.

Petitioners apprehend their arrest in connection with Biraul P. S. Case No. 145 of 2016 registered for the offences punishable under Sections 147,148,448,323,324,341, 324, 307, 427, 380, 504 and 506 of the Indian Penal Code.

Allegedly, not to cast vote of the Mukhiya candidate, the petitioners and other co-accused being armed with farsa, iron rod came at the door of the informant and ordered to kill him and then co-accused Sumit Kumar assaulted to the informant with



farsa causing head injury and fell down on the ground and in that condition, the petitioner No. 4 Kaushal Kumar Chaudhary assaulted with farsa on his head causing head injury and when his cousin brother and nephew came to save the informant, they were assaulted by the petitioner No. 2 and petitioner No. 3 by iron rod, causing fracture of left hand of Mukti Lal Mandal.

Submission is of false implication and there is case and counter case. Both sides have received injuries and in Panchayat Election, there was free fight between the parties. Only one injury has been found on the person of the informant on the head and for that co-accused Sumit Kumar is responsible and as such, the petitioners deserve sympathetic consideration.

Learned A.P.P. opposes the prayer for pre-arrest bail, by submitting that two injuries have been found on the person of the informant, one on the head and other on left middle finger and injury No. 1 has been found grievous in nature, caused by sharp cutting weapon on the person of the informant.

In the facts and circumstances state above, considering the injury report, the petitioners above named, in case of their surrender or arrest within four weeks from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (Ten thousand) each



with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Biraul in connection with Biraul P. S. Case No. 145 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Jitendra Mohan Sharma, J)

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