

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.70159 of 2018

Arising Out of PS. Case No.-98 Year-2018 Thana- KHODAWANDPUR District- Begusarai

Sitaram Choudhary, Son of Chhotelal Choudhary, Resident of Village-
Saanwat, P.S. Khodawandpur (Chhorahi O.P.), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachin Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 07-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 447, 341, 342, 323, 307, 386, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as per the written report of Niraj Kumar, submitted to the Station House Officer of Chhaurahi O.P. is to the effect that on 26.05.2018 at 11.00 P.M. the informant was sleeping in his house, in the meantime, 10-12 persons including the petitioner came and tried to break-in his house and when the informant woke up and opened his door, 5-6 persons entered into his house and dragged the informant out of the house. On protest being made by the informant, they misbehaved with him. It is further alleged that co-accused



Rampravesh Sahni, Laxman Sahni, Rajesh Choudhary and Sitaram Choudhary (petitioner) dragged the informant outside the house and they assaulted him. Co-accused Laxman Sahni assaulted the informant with the butt of the pistol and resorted to fire but the informant did not receive any firearm injury. On hearing the gun shots, the villagers came, upon which they fled away while threatening the petitioner for making payment of extortion.

It is submitted by learned counsel for the petitioner that in the background of land dispute, the accusation has been levelled. It does not appear that any injury was caused to the informant. Moreover, the petitioner is alleged to have dragged the informant out of his house but there is no specific accusation of assault against the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR.

Considering the nature of accusation and the genesis of the occurrence, no injury being found on the informant, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the



learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Manjhaul, Begusarai in connection with Khodawandpur (Chhaurahi O.P.) P.S. Case No. 98 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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