

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11068 of 2018

Arising Out of PS.Case No. -241 Year- 2017 Thana -UCHAKAGAON District- GOPALGANJ

- =====
1. Ramnath Chaudhary, son of Late Motilal Chaudhary.
 2. Jai Prakash Chaudhary, son of Ramnath Chaudhary.
- Both are resident of village-Piprahi, P.S. Uchakagaon, District-Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 26-02-2018 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Uchakagaon P.S. Case No.241 of 2017 registered under Sections 149, 147, 341, 323, 354, 385, 427 and 504 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that 8 persons, named in the F.I.R., including the petitioners having rifle, lathi, danda and sword in their hands came at the semi constructed house of the informant and damaged the wall of the constructed house. When the informant and his son Sunil Yadav made protest, then they started to cause assault to the informant through lathi. When the ladies of



the family of the informant reached there, all caught hold of Asha Devi, the wife of Sunil Yadav, and torn her blouse. On the alarm being raised by them, petitioner no.1 Ramnath Chaudhary fired through his licensee rifle on the informant but the same did not hit the informant as the informant hide himself behind the wall. The cause of occurrence is that the petitioners are land grabbers and they used to make demand of Rs.40,000/- as ransom to make construction of the house on the land.

Learned counsel for the petitioners submits that, in fact, the petitioners are the agnates of the informant and due to land dispute, there was hot exchange of words from both sides but with an ulterior motive, the informant has lodged the present case with false allegation. Further submission is that the petitioners are also accused in Uchakagaon P.S. Case No.104 of 2015 in which the cognizance of the offence under Sections 341, 323 and 506 of the Indian Penal Code was taken, which are bailable in nature, and the same was lodged by the agnates of the petitioners. Except that, the petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten



Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-IX, Gopalganj, in connection with Uchakagaon P.S. Case No.241 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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