

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54227 of 2018

Arising Out of PS.Case No. -77 Year- 2018 Thana -MOHIUDDIN NAGAR District -
SAMASTIPUR

=====

1. Rajesh Choudhary @ Rajesh Mahto, S/o Bishwanath Choudhary,
2. Arvind Choudhary S/o Uday Nath Choudhary (Son In Law Bishwannath Choudhary), R/o Vill.- Madudabad, P.S.- Mohiuddinnagar, District-Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh
For the Opposite Party/s : Mr. Sri Jagdhar Prasad

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioners as well as

Additional Public Prosecutor.

On getting confidential information the informant, police official conducted raid at the toddy shop lying at village Madudabad where, there was resistance whereupon, raid could not succeed. Then thereafter, police party gone towards Mohiuddinnagar station. Again they came back at Madudabad Chowk whereupon, 60-70 persons forming an un-lawful assembly attacked upon them by brick batting as a result of which, informant sustained injury. He had named so many persons including the petitioners.



It has been submitted at the end of the petitioners that they have been falsely implicated in this case otherwise petitioner no. 2, who has been shown as son-in-law of Vishwanath Choudhary, would not have been identified being resident of other place, while petitioner no. 1 is the son of Vishwanath Choudhary, who has got no criminal antecedent and so, there was no occasion for the informant to identify. Virtually, the names of petitioners have come up at the end of their enmity. Apart from this, it has also been submitted that manner whereunder occurrence has been flashed speaks otherwise than the normal activity of people. Moreover, petitioners have been identified as mere member of the mob without specific allegation.

The learned Additional Public Prosecutor opposes the same and submitted that there happens to be high handedness at the end of petitioners and others by way of putting hindrance in due discharge of official duty.

Considering the facts and circumstances of the case, petitioners **Rajesh Choudhary @ Rajesh Mahto and Arvind Choudhary** are directed to be released on bail in the event of their arrest/surrender before the learned lower court within fortnight on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each, to



the satisfaction of learned Additional Sessions Judge-6th-cum-Special Judge, Excise Act, Samastipur in connection with Mohiuddinnagar P.S. Case No. 77 of 2018 in terms of condition as laid down under Section 438 (2) Cr.P.C.

(Aditya Kumar Trivedi, J)

sushma/-

U		T	
---	--	---	--

