

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73737 of 2018

Arising Out of PS. Case No.-416 Year-2018 Thana- BUXAR District- Buxar

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1. Mritunjay Choudhary
 2. Chinta Choudhary @ Achint Choudhary @ Achint Kumar
Both sons of Gopal Choudhary
 3. Pappu Choudhary S/o Chiranjivi Choudhary
 4. Dhirendra Choudhary
 5. Ravi Choudhary
Both sons of late Jawahir Choudhary
 6. Usha Devi W/o Aditya Choudhary
 7. Nilam Devi W/o Mrityunjay Choudhary
 8. Chandan Choudhary, S/o Late Ranjan Choudhary
All R/o Village Mallah Toli, Buxar PS Buxar (Town), District Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : Mr. Sri Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-12-2018

Heard learned counsel for the parties.

Petitioners are apprehending their arrest in connection with Buxar (T) PS Case No. 416 of 2018 for the alleged offence under Sections 147, 148, 149, 341, 323, 384, 379, 307 of the Indian Penal Code and 27 of the Arms Act.

Learned counsel representing the petitioners submits that petitioner nos. 3 to 8 have no criminal antecedent. So far as



petitioner nos. 1 and 2 are concerned, there is a criminal case pending against them vide Buxar (T) PS Case No. 310/2016.

Considering the aforesaid, this Court is not inclined to grant anticipatory bail to petitioner nos. 1 and 2. However, rejection of the application on behalf of petitioner nos. 1 and 2 for anticipatory bail will not cause any prejudice. In the event the above named petitioner nos. 1 and 2 surrender before the court below and pray for regular bail, the court below is directed to dispose of the application for grant of regular bail on the same day without being influenced by rejection of their prayer for anticipatory bail by this Court.

In so far as petitioner nos. 3 to 8 are concerned, considering the fact that they have no criminal antecedent and that there is no allegation of assault against any one of them and there is case and counter-case, this application is allowed.

In the event of arrest or surrender before the concerned court below within a period of one month from today, petitioner nos. 3 to 8 above named are directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Buxar in connection with Buxar (T) PS Case No. 416/2018 subject to the conditions as laid



down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Upadhyay, J)

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