

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5052 of 2019

Arising Out of PS. Case No.-75 Year-2018 Thana- SAHEBPUR KAMAL District- Begusarai

CHHOTU CHOUDHARY, son of Mahesh Choudhary Village - Deeha , P.S. -
Sahebpur Kamal, District -Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 17.11.2018 in a case registered for the offences punishable under Sections 341,342,147,148,149,323,324,326,307,504 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case got initiated on the basis of written report dated 04.12.2018 submitted by Mitthu Kumar to the Station House Officer, Sahebpur Kamal Police Station is to the effect that on 28.03.2018 at about 12.00 P.M., the informant was threshing wheat crop in front of his house. In the meantime all the accused persons, including the petitioner came and surrounded the father of the informant and on the order of co-accused, Hare Ram Chaudhary, the other co-



accused persons assaulted the father of the informant with bricks with intention to kill him, as a result, he fell unconscious on the ground. On seeing the occurrence, when the informant raised alarm to rescue his father, then the accused persons resorted to fire in the air and when the villagers came, the accused persons escaped from the scene.

It is submitted by learned counsel for the petitioner that the accusation has been levelled in the background of land dispute. It is further submitted that the accusation of assault with bricks is omnibus and general against all the accused persons, including the petitioner. Moreover, co-accused, Hare Ram Choudhary, Bittan Choudhary and Babloo Choudhary have been granted anticipatory bail vide order dated 07.08.2018, passed in Criminal Miscellaneous No.44835 of 2018, whereas, other co-accused, Manish Kumar and Chinku Kumar have been granted bail by a co-ordinate Bench of this Court vide order dated 28.08.2018, passed in Criminal Miscellaneous No. 44232 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner is alleged to have assaulted the father of the informant.



Considering the accusation, being omnibus and general against the petitioner and the investigation has already been concluded, coupled with the fact that co-accused persons have been granted bail, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-V, Begusarai, in connection with Sahebpur Kamal P.S. Case No.75 of 2018.

In view the criminal antecedent of the petitioner, learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions or gets involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

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