

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9106 of 2019

Arising Out of PS. Case No.-757 Year-2018 Thana- SIWAN CITY District- Siwan

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1. CHANDRIKA CHAUDHARY @ CHANDRIKA YADAV S/o Late Bishuni Chaudhary resident of village-Laxmipur, P.S. Siwan, Town, District Siwan
 2. Mritunjay Chauhan @ Mritunjay Prasad son of Late Basudeo Prasad resident of village-Laxmipur, P.S. Siwan Town, District Siwan
 3. Nandjee Chaudhary, son of Late Brij Lal Choudhary resident of village-Laxmipur, P.S. Siwan Town, District Siwan
 4. Manish Kumar, son of Shambhu Yadav resident of village-Laxmipur, P.S- Siwan Town, District Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur Mrs. Babita Kumari Mr. Shashank Shekhar Ms. Sweta Kumari Ms. Swati Sinha
For the State	:	Mr. Aditya Narayan Singh.1
For the Informant	:	Mr. Udit Nr. Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-02-2019 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel appearing for the informant.

Petitioners are languishing in judicial custody since 09.12.2018 in connection with Town P.S. Case No. 757 of 2018 for offences punishable under Section 307 and other allied Sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that due to some village and land dispute earlier 50-60 persons had arrived and started damaging the PCC road and again on 04.12.2018, 100-150 persons armed with iron rod, axe, khanti and other weapons came, started abusing and assaulted the



informant's side, on which informant and other persons received injuries. As many as 18 persons are named in the First Information Report along with 100-150 unknown persons.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history, petitioner no. 1 is named in the First Information Report but no specific overt act has been alleged against him and other petitioners (petitioner nos. 2 to 4) are not named in the First Information Report. He submits that there was a mob attack and a counter case being Nagar P.S. Case No. 758 of 2018 has been lodged by the petitioners' side for the same occurrence and Nagar P.S. Case No. 760 of 2018 has been lodged by the police personnel for the same occurrence. He further submits that Section 307 of the IPC is not applicable against the petitioners as no assault has been alleged and they undertake not to induce witnesses or tamper with the prosecution evidence.

However, learned counsel appearing for the informant vehemently opposes the prayer for bail stating therein that all the petitioners along with other co-accused have injured the informant and the informant's side with grievous injury on the head and have also taken Rs. 35,000/- from the pocket of the informant.



Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Town P.S. Case No. 757 of 2018, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.

(ii) Petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(iii) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

Rajesh/-

(Nilu Agrawal, J)

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