

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23336 of 2019**

Arising Out of PS. Case No.-283 Year-2018 Thana- BIRAUL District-
Darbhanga

- =====
1. SURESH CHOUDHARY, aged about 68 years, male, Son of Late Uma Kant Choudhary Resident of Village- Pokhram, Police Station- Biraul, District- Darbhanga.
 2. Raj Mohan Choudhary, aged about 32 years, male, Son of Arvind Choudhary Resident of Village- Pokhram, Police Station- Biraul, District- Darbhanga.
 3. Ram Mohan Choudhary, aged about 30 years, male, Son of Arvind Choudhary Resident of Village- Pokhram, Police Station- Biraul, District- Darbhanga.
 4. Shyam Choudhary, aged about 50 years, male, Son of Suresh Choudhary Resident of Village- Pokhram, Police Station- Biraul, District- Darbhanga.
 5. Mukesh Choudhary, aged about 45 years, male, Son of Suresh Choudhary Resident of Village- Pokhram, Police Station- Biraul, District- Darbhanga.
 6. Prabhakar Choudhary, aged about 49 years, male, Son of Triveni Choudhary Resident of Village- Pokhram, Police Station- Biraul, District- Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Bipin Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 15-04-2019 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code registered in connection with Biraul P.S. Case No. 283 of 2018.



3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute and there is case and counter case between the parties. The thrust of accusation of assault with *farsa* is on co-accused Arvind Choudhary whereas the allegation of assault with lathi, dunda, fists and slaps is general and omnibus against all accused persons. Both sides have received injuries. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Darbhanga in connection with Biraul P.S. Case No. 283 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be their close relatives of the petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State



shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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