

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29623 of 2019

Arising Out of PS. Case No.-115 Year-2017 Thana- MAGADH UNIVERSITY District- Gaya

1. SITA RAM CHOUDHARY Son of Durga Choudhary Resident of Village - Koshila, P.S.- Magadh University, District - Gaya.
2. Sunil Choudhary Son of Durga Choudhary Resident of Village - Koshila, P.S.- Magadh University, District - Gaya.
3. Anil Choudhary @ Anil Kumar Son of Durga Choudhary Resident of Village - Koshila, P.S.- Magadh University, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar
For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 31-07-2019 Learned counsel for the petitioners states that the petitioner no. 1 has been arrested and seeks permission to withdraw the anticipatory bail petition as against him, as the same has become infructuous.

2. Permission is accorded. Anticipatory bail petition as against petitioner no. 1 is permitted to be withdrawn and is dismissed as such.

3. The petitioner nos. 2 and 3 apprehend their arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 326,307,427, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with M.U. P.S. Case No. 115 of 2017.

4. It is submitted that the petitioner nos. 2 and 3 have been



falsely implicated in the backdrop of past enmity. The specific accusation of assault is against other co-accused persons and the accusations against petitioner nos. 2 and 3 are general and omnibus in nature. The petitioner nos. 2 and 3 claim clean antecedents.

5. Learned APP refers to paras 29, 30 and 31 of the case diary containing injury report from which it appears that the informant's brother Narendra Kumar Singh is said to have sustained simple injury.

6. Be that as it may, in the event of the petitioner nos. 2 and 3 arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner nos. 2 and 3 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 ACJM IX, Gaya, in connection with M.U. P.S. Case No. 115 of 2017, 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 a close relative of the petitioner nos. 2 and 3.

ii. That the petitioner nos. 2 and 3 shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioner nos. 2 and 3 shall co-operate 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. The petitioner nos. 2 and 3 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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