

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34873 of 2019

Arising Out of PS. Case No.-882 Year-2018 Thana- KHAGARIA District- Khagaria

1. Jatashankar Choudhary @ Gholta, aged about 55 years, Male, Son of Late Bajrang Choudhary, Resident of Village- Sonbarsa Rahimpur, P.S.- Muffasil, District- Khagaria.
2. Heera Kumar @ Sujit Kumar, aged about 36 years, Male, Son of Shivshankar Choudhary, Resident of Village Sonbarsa Rahimpur, P.S.- Muffasil, District- Khagaria.
3. Kanhaiya Kumar, aged about 33 years, Male, Son of Shivshankar Choudhary, Resident of Village- Sonbarsa Rahimpur, P.S.- Muffasil, District- Khagaria.
4. Sarvesh Kumar, aged about 30 years, Male, Son of Vijayshankar Choudhary Resident of Village- Sonbarsa Rahimpur, P.S.- Muffasil, District- Khagaria.
5. Aadesh Kumar, aged about 25 years, Male, Son of Vijayshankar Choudhary Resident of Village- Sonbarsa Rahimpur, P.S.- Muffasil, District- Khagaria.
6. Vishal Kumar, aged about 26 years, Male, Son of Ghotla Choudhary @ Gholta Choudhary Resident of Village- Sonbarsa Rahimpur, P.S.- Muffasil, District- Khagaria.
7. Chhotu Kumar, aged about 21 years, Male, Son of Ghotla Choudhary @ Gholta Choudhary, Resident of Village- Sonbarsa Rahimpur, P.S.- Muffasil, District- Khagaria.
8. Golu Kumar, aged about 20 years, Male, Son of Ghotla Choudhary @ Gholta Choudhary, Resident of Village- Sonbarsa Rahimpur, P.S.- Muffasil, District- Khagaria.
9. Chikku Kumar, aged about 20 years, Male, Son of Ajay Choudhary, Resident of Village- Sonbarsa Rahimpur, P.S.- Muffasil, District- Khagaria.
10. Ajay Choudhary, aged about 50 years, Male, Son of Late Bajrang Choudhary, Resident of Village- Sonbarsa Rahimpur, P.S.- Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 29-05-2019 Heard learned counsel for the petitioners and learned
APP for the State.



The petitioners filed the instant application for grant of anticipatory bail apprehending their arrest in connection with Khagaria (Muffasil) P.S. Case No. 882 of 2018, registered for the offence under Sections 323, 379, 427 and other sections of the Indian Penal Code and Section 27 of the Arms Act.

As per the allegations made in the FIR, the dispute between the parties took place over entering of the she-horse in the agricultural field of the informant and on protest made by the informant, the accused person including all the petitioners assaulted the informant and others. It is further alleged that one Shivshankar Choudhary fired upon the informant from his pistol with intention to kill him, while another accused Vijayshankar Choudhary took away Rs. 400/- from his pocket.

It is submitted by the learned counsel for the petitioners that so far as the petitioners in this application are concerned, the allegation of assault is general and omnibus in nature. The FIR was lodged after a delay of 3 days. There is no injury caused to the informant or any other persons. The specific allegations of assault are on Shivshankar Choudhary and Vijayshankar Chaudhary.

In view of the facts and circumstances stated hereinabove, the above named ten petitioners are directed to surrender in the court below within a period of six weeks from today and in the event of their arrest or surrender, they will be enlarged 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 learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 882 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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