

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40607 of 2019

Arising Out of PS. Case No.-398 Year-2018 Thana- DAUDNAGAR District- Aurangabad

1. SARYU CHOUDHARY @ LANGU CHOUDHARY Son of Raj Kumar Chaudhary Resident of Village - Takiyapar, P.S.- Daudnagar, District- Aurangabad (Bihar)
2. Prabhu Choudhary @ Mau Choudhary Son of RajKumar Chaudhary Resident of Village - Takiyapar, P.S.- Daudnagar, District- Aurangabad (Bihar)
3. Laxman Choudhary Son of Sahdeo Chaudhary Resident of Village - Takiyapar, P.S.- Daudnagar, District- Aurangabad (Bihar)
4. Chhattu Choudhary Son of Rajaram Chaudhary Resident of Village - Takiyapar, P.S.- Daudnagar, District- Aurangabad (Bihar)
5. Sanjay Choudhary Son of Late Bihari Chaudhary Resident of Village - Takiyapar, P.S.- Daudnagar, District- Aurangabad (Bihar)
6. Shankar Choudhary Son of Late Bihari Chaudhary Resident of Village - Takiyapar, P.S.- Daudnagar, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Leelawati Kumari
For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 02-07-2019

Heard learned counsel for the parties.

It is stated that petitioner Nos. 3,5 and 6 above-named have been arrested, during the pendency of this application. This application thus stands dismissed as having become infructuous to the extent it relates to petitioner Nos. 3,5 and 6.

This application for anticipatory bail on behalf of



petitioner Nos. 1,2,4 above-named arises out of Daudnagar P.S. Case NO. 398 of 2018, disclosing offences under Sections 147,148,149,323,324,307,504,506,379 of the Indian Penal Code.

There are 14 persons named in the First Information Report. It is alleged that when the informant was ploughing his field, the persons named in the First Information Report including these petitioners came there armed variously and started assaulting him.

Learned counsel for the petitioners states that the petitioners have no criminal antecedent. The allegation of taking away jewellery and cash is ornamental in nature. In any event, she contends that no offence under Section 307 of the Indian Penal Code can be said to be made out, on the basis of allegation in the First Information Report.

Considering the above submission and the genesis of the occurrence, this application on behalf of petitioner Nos. 1,2 and 4 is allowed.

Let the petitioner Nos. 1,2 and 4 above named in the event of their arrest/surrender within six weeks from today in the Court below, be released 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 the learned Additional Sessions Judge-XI, Aurangabad in Daudnagar P.S.Case No. 398 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

This is subject to the condition that the petitioner Nos. 1,2 and 4 shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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