

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26869 of 2018

Arising Out of PS. Case No.-76 Year-2012 Thana- MANSAHI District- Katihar

1. Dashrath Choudhary, S/o Santu Choudhary, Resident of Village Rakha Tola Bishanpur, Police Station, Manshahi, District- Katihar.
2. Ranjeet Choudhary, S/o Bharat Choudhary, Resident of Village Rakha Tola Bishanpur, Police Station Manshahi, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandeep Patil

For the Opposite Party/s : Mr. Rajkishore Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 10-01-2019 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147,148,149,341,323,324,307,379,384,452 and 504 of the IPC.

The prosecution case as per the written report of Lal Bahadur Choudhary dated 27.9.2012 submitted to the SHO, Mansahi is to the effect that on 26.9.2012 at 9.45 P.M. the informant and his family members were sleeping, in the meantime, nine accused persons including the petitioners entered into their house and demanded extortion amount of Rupees One Lac. On protest being made, the accused persons assaulted the informant and his family members and took away articles from his house.

It is submitted by learned counsel for the petitioners that



the accusation has been maliciously levelled against the petitioners and the injury has been found to be simple. It is further submitted that on conclusion of investigation, the petitioners have not been sent up for trial whereas other accused persons have been chargesheeted, however, after differing with the final form, cognizance has been taken against the petitioners for the offence under Section 307 of the IPC.

Learned APP submits that there is specific accusation against the petitioners and after differing with the final form, cognizance has been taken.

Considering the fact that on conclusion of investigation, the petitioners were not sent up for trial, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 CJM, Katihar in connection with Mansahi P.S. Case No.76 of 2012 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

Since the present case was registered in 2012, the petitioner moved the learned court below in 2016 and thereafter, the present application has been filed in 2018, the learned Court



below will be at liberty to cancel the bail bonds of the
petitioners in case they default on three consecutive occasions.

(Dinesh Kumar Singh, J)

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