

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58477 of 2019**

Arising Out of PS. Case No.-33 Year-2019 Thana- PARAIYA District- Gaya

1. PESHKAR CHAUDHARY, aged about 40 years, Male, S/o Late Kuldeep Chaudhary, R/o village- Bagahi Tola, P.S.- Paraiya, District- Gaya
2. Wakil Chaudhary, aged about 32 years, Male, S/o Late Kuldeep Chaudhary, R/o village- Bagahi Tola, P.S.- Paraiya, District- Gaya

... Petitioners

Versus

The State of Bihar

... Opposite Party

**Appearance :**

For the Petitioners : Mr. Pramod Kumar, Adv.

For the Opposite Party : Mr. Lakshmi Kant Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR  
MISHRA**

ORAL ORDER

2      17-09-2019                      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Paraiya P.S. Case No. 33 of 2019 for the offences alleged under Sections 147, 148, 149, 323, 307, 225 and 353 of the Indian Penal Code and 27 of the Arms Act.

The accusation is that informant, along with other police officials, proceeded for village Bagahi for arrest of Ranjan Choudhary, against whom bailable warrant of arrest was issued. On reaching at village Bagahi, the house of Ranjan Choudhary was searched. On seeing the police party, Mahendra Choudhary flee away from the house, then, his house was searched from where one gallon, containing country made



liquor recovered. At that time, 29 persons named in the first information report, including the petitioners, and 30-40 unknown surrounded the house of Mahendra Choudhary and started pelting stones in which several police personnel sustained injury.

The submission of the learned counsel for the petitioners is that while the petitioners are named in the first information report, but, no overt act has been attributed to them. In fact, at the time of raid by the police, the petitioners came out from their houses, but, with ulterior motive their names also shown in the first information report as member of unlawful assembly. Similarly, situated co-accused, Upendra Choudhary, has already been allowed privilege of pre-arrest bail vide Cr. Misc. No. 44783 of 2019 on 22.07.2019.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Paraiya P.S. Case No. 33 of 2019 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to



the satisfaction of the Chief Judicial Magistrate, Gaya, or the  
successor Court subject to the conditions as laid down under  
Section 438(2) Criminal Procedure Code.

**(Rajendra Kumar Mishra, J)**

Shamshad/-

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