

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9542 of 2019

Arising Out of PS. Case No.-126 Year-2018 Thana- RAHUI District- Nalanda

RAJIV CHOUDHARY Son of Ishwar Choudhary Resident of Village -
Sosandi P.S. Rahui Dist.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Pankaj Kumar, Adv.
For the State	:	Mr.Binod Kumar, APP
For the Informant	:	Mr. Pramod Kumar Sinha, Adv.

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

ORAL ORDER

4 03-02-2020 Heard learned counsel for the petitioner, the learned
counsel for the informant and learned Additional Public
Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Rahui P.S. Case No. 126 of 2018, registered under Sections 147,
149, 323, 504, 307, 302 and 325 of the Indian Penal Code.

The accusation is that due to land dispute ten persons
named in the first information report, including the petitioner,
having lathi, danda and iron rod in their hands, came near the
informant, Vinod Kumar Choudhary, and started to abuse.
When Krishna Choudhary and Prakash Choudhary, father and
grand father of the informant, made protest, then, on the order of
the Ishwar Choudhary, Nitish Kumar and Braj Kishore



Choudhary, gave iron rod blow at the fore-head of Prakash Choudhary, grand-father of the informant, who sustained grievous injury, at that time, father and mother of the informant were also assaulted. When informant tried to save his parents, then, he was also assaulted. Thereafter, injured was rushed to hospital, where the grand-father of the informant, Prakash Choudhary, died.

Learned counsel for the petitioner submits that it would appear from the first information report that occurrence of marpeet took place due to land dispute. While the petitioner is named in the first information report, along with others, but, there is general allegation of reaching near the informant, no specific allegation is against Nitish Kumar to give the iron rod or lathi blow on Prakash Choudhary, who is said to be died later on in course of treatment. Further, allegation is of causing injury to father and mother of the informant, but, they have not sustained injury.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Rahui P.S. Case No. 126 of 2018 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees



ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda at Biharsharif, 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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