

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15128 of 2020

Arising Out of PS. Case No.-922 Year-2018 Thana- KHAGARIA District- Khagaria

1. Amresh Choudhary @ Fantoosh Choudhary @ Amresh Kumar, aged about 51 years, Male, Son of Parmanand Choudhary, Resident of Village- North Rahimpur, Sonbarsa, P.S.- Muffasil, District- Khagaria.
2. Gaurav Kumar, aged about 27 years, Male, Son of Amresh Choudhary, Resident of Village- North Rahimpur, Sonbarsa, P.S.- Muffasil, District- Khagaria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Jai Kishor Poddar, Advocate.
For the Opposite Party : Mr.Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 28-08-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 325, 307, 504, 506 and 379/34 of the I.P.C.

The prosecution story, in brief, is that on 27.12.2018 at about 2.00 P.M., the informant was coming to Khagaria from his house to deposit Rs. 54,000/- for installment of Tractor. His



mother was also with him to deposit Rs. 30,000/- in '*Jibikasangh Women's Group*'. In the meantime, petitioners and co-accused Saurav Kumar came and stopped his Motorcycle on the point of pistol and snatched Rs. 54,000/- and gold chain of Rs. 30,000/-. On hulla raised by the informant, co-accused Saurav Kumar put pistol on his *Kanpati* and Amresh Choudhary alias Fantoosh Choudhary @ Amresh Kumar (petitioner no. 1) assaulted him with *Balla*. On the order of Amresh Choudhary, his son Saurav Kumar assaulted the informant with butt of pistol on his mouth and nose due to which, his nose became fracture. On hulla, villagers came who carried him to the hospital for treatment. Accused persons also snatched ear-ring of his mother worth Rs. 20,000/- and threatened to kill.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to land dispute. As far as petitioner no. 2 is concerned, general and omnibus allegation has been made against him. Neither specific overt act nor specific injury is attributed against him.

On behalf of the learned counsel for the State, it has



been submitted that the petitioners are named in the F.I.R. As far as petitioner no. 1 is concerned, there is specific allegation of assault upon the informant alleged against him and nature of injury is grievous.

Considering the facts and circumstances of the case, I am not inclined to grant anticipatory bail to petitioner no. 1, namely, Amresh Choudhary @ Fantoosh Choudhary @ Amresh Kumar. The same is rejected in connection with Khagaria (Muffasil) P.S. Case No. 922 of 2018, pending in the court of learned C.J.M. Khagaria.

Further, let the petitioner no. 2, namely Gaurav Kumar (except petitioner no. 1 Amresh Choudhary @ Fantoosh Choudhary @ Amresh Kumar), in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned C.J.M. Khagaria, in connection with Khagaria (Muffasil) P.S. Case No. 922 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner no. 2, namely, Gaurav Kumar (except petitioner no. 1 Amresh Choudhary @ Fantoosh Choudhary @ Amresh Kumar) shall



furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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