

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84251 of 2019

Arising Out of PS. Case No.-288 Year-2017 Thana- SHAHKUND District- Bhagalpur

1. NARAD CHOUDHARY, Son of Amrit Choudhary Resident of Village - Dohradih, P.S.- Shahkund, District - Bhagalpur.
2. Gautam Choudhary Son of Amrit Choudhary Resident of Village - Dohradih, P.S.- Shahkund, District - Bhagalpur.
3. Shardhi Choudhary Son of Amrit Choudhary Resident of Village - Dohradih, P.S.- Shahkund, District - Bhagalpur.
4. Horil Choudhary Son of Kanban Choudhary Resident of Village - Dohradih, P.S.- Shahkund, District - Bhagalpur.
5. Mohril Choudhary @ Bhudeo Choudhary Son of Kanban Choudhary Resident of Village - Dohradih, P.S.- Shahkund, District - Bhagalpur.
6. Bisho Devi Wife of Kamban Choudhary Resident of Village - Dohradih, P.S.- Shahkund, District - Bhagalpur.
7. Kamban Choudhary Son of Kaleshwar Choudhary Resident of Village - Dohradih, P.S.- Shahkund, District - Bhagalpur.
8. Mithlesh Choudhary Son of Lalan Choudhary Resident of Village - Dohradih, P.S.- Shahkund, District - Bhagalpur.
9. Rekha Devi Wife of Maheshwar Choudhary @ Muneshwar Choudhary Resident of Village - Dohradih, P.S.- Shahkund, District - Bhagalpur.
10. Ranjit Kumar Son of Maheshwar Choudhary @ Muneshwar Choudhary Resident of Village - Dohradih, P.S.- Shahkund, District - Bhagalpur.
11. Bobi Devi Daughter of Maheshwar Choudhary @ Muneshwar Choudhary Resident of Village - Dohradih, P.S.- Shahkund, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta, Adv.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-02-2020 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered



for the offences punishable under Sections 143, 341, 323, 307, 447, 504 and 506 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of one Vijay Choudhary submitted before the Station House Officer, Shahkund Police Station is to the effect that on 17.11.2017 at 8.00 A.M., the son of the informant was coming on his bicycle when 12 accused persons, including the petitioners came and started abusing his son. It is specifically alleged that co-accused, Kesho Chaudhary assaulted the informant with a spear and when son of the informant, Ajay Chaudhary came to rescue him he was also assaulted with a spear causing injury on his hand and when the other son of the informant, Aashish Chaudhary came to rescue, he was also assaulted by lathi and danda by the accused persons.

It is submitted by learned counsel for the petitioners that the accusation of assault is omnibus and general and on conclusion of investigation, the chargesheet has been submitted under the bailable Sections i.e., Sections 143, 341, 323, 504 and 506 of the I.P.C., but differing with the final form, the learned S.D.J.M. took cognizance against the petitioners also under the non-bailable Sections. Moreover, the specific accusation of assault is against co-accused, Kesho Chaudhary. A statement has



been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioners in the FIR.

Considering the nature of accusation against the petitioners and specific accusation of assault levelled against co-accused, Kesho Chaudhary coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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, Bhagalpur, in connection with Shahkund P.S. Case No.288 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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