

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20672 of 2021

Arising Out of PS. Case No.-34 Year-2019 Thana- PATNA CITY CHOWK District- Patna

1. JITENDRA KUMAR @ JITENDRA CHOUDHARY @ JITENDRA PASWAN Son of Rohan Choudhary, Resident of Village - Sah Faisad ka Maidan, P.S.- Chowk, Distt.- Patna.
2. Santosh Choudhary Son of Rohan Choudhary Resident of Village - Sah Faisad ka Maidan, P.S.- Chowk, Distt.- Patna.
3. Baiju Kumar @ Baijnath Choudhary Son of Late Laddu Choudhary Resident of Village - Sah Faisad ka Maidan, P.S.- Chowk, Distt.- Patna.
4. Vicky Choudhary @ Vicky Kumar Son of Baijnath Choudhary Resident of Village - Sah Faisad ka Maidan, P.S.- Chowk, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijaya Laxmi Srivastwa, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 04-08-2021 Heard learned counsel for the petitioners and learned APP for the State through video conference. Learned counsel for the petitioners has filed an undertaking that all defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof.

2. The petitioners have renewed their prayer for anticipatory bail in connection with Chowk Patna City P.S.Case No.34 of 2019, having earlier been rejected by order dated 16.07.2019 in Cr. Misc. No. 43630 of 2019 for the alleged offences under Sections 147, 148, 149, 323 and 307 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that in a subsequent development, six other accused persons have been



granted bail by this court by order dated 25.10.2019 (Annexure-3), having regard to the compromise arrived at between the parties.

4. Considering that Section 307 IPC is one of the provisions under which allegations have been made which is not compoundable under the provisions of the Cr.P.C., this Court is not inclined to take a similar view in the case of the petitioners at this stage. The anticipatory bail petition stands dismissed.

5. If the petitioners surrender and seek regular bail before the learned court below, the same shall be considered on its own merit in accordance with law without being prejudiced by any observation in the present order.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioners within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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