

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28004 of 2020

Arising Out of PS. Case No.-377 Year-2014 Thana- TEGHRHA District- Begusarai

1. PAPPU CHOUDHARY Son of Dinesh Choudhary Resident of Village- Naya Tola, P.S.- Teghra, District- Begusarai.
2. Aklu @ Dhaklu Singh @ Dhaklu Kumar Son of Awadesh Singh Resident of Village- Pathigachi, P.S.- Teghra, District- Begusarai.
3. Ranjit Singh Son of Rampadarath Singh Resident of Village- Dularpur, P.S.- Teghra, District- Begusarai.
4. Nigam Singh @ Nigam Kumar Singh Son of Ram Prakash Singh Resident of Village- Barhiya , P.S.- Barhiya, District- Lakhisarai.
5. Rajendra Rai Son of Ram Sagar Singh Resident of Village- Satha, P.S.- Manjor Chak, District- Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate
For the Opposite Party/s : Mr. A.M.P. Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 12-02-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 19.10.2020, within four weeks of starting of Court proceeding in physical mode.

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

The petitioners apprehend their arrest in connection with Teghra P.S. Case no. 377 of 2014, registered under Sections 147, 148, 149, 323, 342, 379, 385, 387, 504 and



506 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that on 22.11.2014, informant Ram Bahadur Choudhary along with his other family members, namely, Gautam Kumar Choudahry, Kanhaiya Choudhary and Bipin Kumar Choudhary, with two tractors, went at his field situated in village-Amajdpur for ploughing total area of 08 Bigha, 16 Katha and 06 Dhur. At that time, Ramniwash Choudhary, Dipak Kumar @ Barka Baua and Ajit Kumar of village Pidholi and 8-10 others, having pistol in their hands, came there and at that time, Ramniwash Choudhary demanded ransom of Rs. One Lakh to plough the field, when informant made protest then all started abusing and making indiscriminate firing. At that time, Gautam Choudhary was carried towards bank of river causing assault and they also took cash of Rs. 20,000/-, box of fertilizers, seeds, gold chain, gold ring and mobile set etc. they also took both tractors in their possession.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that petitioners, who have no criminal antecedent, are not named in the F.I.R. In course of investigation in paragraph Nos. 28 and 29, the witnesses detailed that petitioners were also present there. Further submission is that in this case, the Police submitted Final Form



against the named F.I.R. and also against the petitioners, but differing with the Final Form, the learned Chief Judicial Magistrate, took cognizance of the offence punishable under Sections 147, 148, 149, 323, 342, 379, 385, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act against the petitioners and other F.I.R. named accused. Further submission is that the injuries, as found on the person of informant, Ram Bahadur Choudhary and Gautam Choudhary are simple in nature caused by hard and blunt substance. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four 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 learned Judicial Magistrate, Teghra at Begusarai in connection with Teghra P.S. Case No. 377 of 2014, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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