

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53378 of 2021

Arising Out of PS. Case No.-82 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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SUNIL KUMAR CHOUDHARY @ SUNIL KUMAR SON OF KISHORI
CHOUDHARY RESIDENT OF VILLAGE- KARIM NAGAR (WARD NO.
8) POLICE STATION-MOHIUDDINNAGAR, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Mukherjee
For the Opposite Party/s	:	Mr.Md. Matloob Rab
For the Informant	:	Mr. Deepak Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 01-11-2021 Heard Mr. Ajay Mukherjee, the learned counsel

for the petitioner and Mr. Deepak Kumar Singh, the learned

counsel for the informant. The State is represented by Mr.

Md. Matloob Rab, the learned APP.

In view of the request made on behalf of the

petitioner for giving a priority hearing, this case has been

taken up today for consideration on merits.

The petitioner seeks bail in anticipation of his

arrest in connection with Mohiuddinnagar P.S. Case No. 82

of 2021 instituted for the offences under Sections 147, 341,

323 and 153(A) of the Indian Penal Code.



Though the petitioner has been made accused in other cases about which reference has been given in paragraph -3 of the bail petition, but in all such cases, the petitioner is on bail.

The accusation against the petitioner and others is of instigating communal violence in the area.

The learned counsel for the petitioner has submitted that the accusation is absolutely false and based on unfounded facts. The petitioner is a shopkeeper where he sells electrical goods, whereas his wife is a P.D.S. dealer. The reason for hurling such accusation against him is to prevent him from becoming a candidate for some post in the Panchayat Samiti of that area. A proceeding under Section 107 Cr.P.C. was also initiated against the warring factions / parties but the petitioner has not been named in that proceeding. In fact, with respect to construction of a temple, the local Chowkidar has also filed a case alleging that the idol of the temple has been stolen. The accused persons of that case have conspired to make the petitioner accused in the present case.



Regard being had to the vague nature of accusation, the petitioner, above named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -IV, Samastipur, in connection with Mohiuddinnagar P.S. Case No. 82 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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