

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6291 of 2021

Arising Out of PS. Case No.-629 Year-2020 Thana- ARA NAWADA District- Bhojpur

1. RAKESH CHOUDHARY, aged about 40 years, Male, Son of Late Ram Narayan Choudhary, Resident of Village- Belaur, P.S. - Udwanthnagar, District - Bhojpur.
2. SRIKANT CHOUDHARY, aged about 45 years, Male, Son of Late Ram Narayan Choudhary, Resident of Village- Belaur, P.S. - Udwanthnagar, District - Bhojpur.
3. PRIYANKA KUMARI, aged about 44 years, Female, Wife of Ajay Kumar Rai, Daughter of Late Ram narayan Choudhary, Resident of Village - Anua, P.S. - Sahar, District - Bhojpur.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ravindra Kumar, Advocate.
For the Opposite Party : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-04-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 448, 341, 323, 308, 379, 406 and 420 of the I.P.C.

The prosecution story, in brief, is that on 18.08.2020 at about 9.00 P.M. in the night, F.I.R. named accused persons variously armed forcibly entered inside the house of the informant and started ransacking and assault. In the meantime,



her son Ajay Kumar arrived whom Rakesh Choudhary and Srikant Choudhary pointed country made pistol on her son and threatened to kill on shouting. In the meantime, Kumari Priyanka, Sunaina Devi and Ankit Kumar have broken her Almirah and looted 20 Bhar gold amounting to Rs. 10,00,000/- and cash of Rs. 1,00,000/-. Thereafter, Kumari Priyanka with intention to kill, started pressing her neck due to which, she became frenzied but due to shout, her life was saved. They brought her son pointing country made pistol on point blank range and assaulted, the accused persons told that they will not give Rs. 14,15,000/-. She and her son became injured. Earlier, Rakesh Choudhary and Srikant Choudhary taking their sister in confidence got the land registered for which Mahadanama was executed. Rakesh Choudhary told that after taking loan on the land, he will return the money but till date he has not given the money. Both the aforesaid accused persons who are brother-in-law of her son and own brother of his daughter-in-law Priyanka and swallowed Rs. 14,15,000/- of her son. The daughter-in-law Kumari Priyanka and grand-son Ankit Kumar, under conspiracy to swallow the money of her son, have committed the aforesaid occurrence.

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. Injuries are superficial in nature. No offence under Section 307 of the I.P.C. is made out in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) only each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Bhojpur at Ara, in connection with Ara Nawada P.S. Case No. 629 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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