

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41259 of 2022

Arising Out of PS. Case No.-238 Year-2021 Thana- NOKHA District- Rohtas

1. Dashrath Choudhary Son of Chandrapat Choudhary Resident of Village - Chatugun Tola, P.S.- Nokha, District - Rohtas.
2. Rohit Choudhary @ Rohit Kumar Son of Ashok Choudhary Resident of Village - Chatugun Tola, P.S.- Nokha, District - Rohtas.
3. Mukesh Choudhary @ Mukesh Kumar Son of Dadan Choudhary Resident of Village - Chatugun Tola, P.S.- Nokha, District - Rohtas.
4. Angad Choudhary Son of Chandrapat Choudhary Resident of Village - Chatugun Tola, P.S.- Nokha, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate
For the Opposite Party/s : Ms. Shaheen Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-11-2022 Learned counsel for the petitioners is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State in the Virtual Court proceeding.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, on 26.10.2021 Ranglal



Choudhary, Dashrath Choudhary, Rohit Choudhary, Mukesh Choudhary, Angad Choudhary, Lalan Choudhary came with common intention and started abusing informant and his sons namely Vinod Choudhary and Bhim Choudhary. When informant forbade them they started assaulting informant and his sons with Inta-pathar, lathi-danda and Iron rod and injured them. In this occurrence the hand of the informant was broken and his both sons sustained head injury. Lalan Choudhary was in drunken condition. All the above named persons assaulted them to kill. Sonu Choudhary fired from the Desi Katta and caused bullet injury in the head of informant's son Bhim Choudhary.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegations of assault against all the accused persons and there is no specific allegation of assault or any overt act against the petitioners. He further submits that there is case and counter-case between the parties and all the allegations are bailable except Sections 307 of I.P.C. and 27 Arms Act.

Learned APP for the State has opposed the prayer for bail of the petitioner.



Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Nokha P.S. Case No. 238 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their



criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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