

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40422 of 2022**

Arising Out of PS. Case No.-104 Year-2022 Thana- BASOPATTI District- Madhubani

1. KRISHAN CHANDRA CHOUDHARI S/o- Shri Narayan Chaudhary R/o- 74 K , Siriapur, P.O.- Siriapur, P.S.- Basopatti, District - Madhubani.
2. Ramaekaval Chaudhary S/o- Ramadahin Choudhari R/o- Siriapur, P.O.- Siriapur, P.S.- Basopatti, District - Madhubani.
3. Ramkripal Chaudhary S/o- Ramdil Chaudhary R/o- Siriapur, P.O.- Siriapur, P.S.- Basopatti, District - Madhubani.
4. Ramlal Chaudhary S/o- Late jagdish Chaudhary R/o- 74 K , Siriapur, P.O.- Siriapur, P.S.- Basopatti, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                           |
|--------------------------|---|---------------------------|
| For the Petitioner/s     | : | Mr. Alok Ranjan, Advocate |
| For the Opposite Party/s | : | Mr. Parmanand Kumar, APP  |
| For the Informant        | : | Mr. Ravi Ranjan, Advocate |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      08-12-2022                      Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 307, 324, 506 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent, petitioner nos. 1, 2 and 4 are senior citizens aged about 74, 60 and 69 years respectively and the informant alleges that accused persons,



including the petitioners, were firing indiscriminately and his son and others received gunshot injury, it is further alleged that his son received gunshot injury on his head and neck along with other injured persons and the reason for the occurrence is previous dispute.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case on account of political rivalry, it is next submitted that in the FIR it has been alleged that the accused persons, including the petitioners, were firing indiscriminately and were chasing the side of the informant but then the petitioners are senior citizens and are persons with clean antecedent till the age as disclosed aforesaid and all of a sudden they have been made criminal by alleging that they fired causing injury to the injured including the son of the informant.

Learned counsel for the petitioners next submits that from the side of the petitioners also Basopatti P.S. Case No. 105 of 2022 was instituted by one Harishchandra who also received injury in the occurrence and in the said FIR, the informant along with his son and others are accused, it is also submitted that said Harishchandra also received gunshot injury, it is next submitted that since there is a political faction in the village and one



faction of Harishchandra is being supported by the present petitioners and other side is led by the informant, as such skirmishes between the two groups keep taking place and the petitioners came to be implicated merely because they side with Harishchandra group.

Learned counsel for the petitioners next submits that petitioners are senior citizens, except the petitioner no.3 who is aged about 55 years, and they all are persons with clean antecedent till the present FIR came to be instituted, it is also submitted that petitioners will not evade the law rather will cooperate in the investigation and will present themselves as and when required by the Investigating Officer of the case for arriving at the truth, it is further submitted that no doubt the gunshot injuries have been caused to the injured as detailed in the FIR but then the injury was also caused to Harishchandra and others in the firing made by the side of the informant and others. Learned counsel further submits that the allegation of firing is general and omnibus in nature i.e., no specific allegation of firing is alleged against anyone which further creates doubt with regard to the veracity of the allegations that as to whether the petitioners fired or they have been implicated for some ulterior reason.



Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners but are not able to rebut the submissions of the learned counsel for the petitioners that petitioner nos 1, 2 and 4 are senior citizens and are persons with clean antecedent and the allegation of firing is general and omnibus in nature.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Basopatti P.S. Case No. 104 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners despite giving assurance are not cooperating in the investigation or are not appearing when called, the learned trial court after giving an opportunity of hearing to the petitioners shall pass orders in



accordance with law and shall also have the liberty to cancel the bail bonds of the petitioners.

The learned trial court before accepting the bail bonds of the petitioners shall verify their criminal antecedents and in the event, if it is found that any of the petitioners have got criminal antecedent, then the present anticipatory bail order shall not be acted upon with respect to the said petitioner.

The learned trial court is directed to send a copy of this order to the concerned Police Station.

**(Satyavrat Verma, J)**

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