

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63748 of 2021

Arising Out of PS. Case No.-255 Year-2021 Thana- ALOULI District- Khagaria

1. Suresh Choudhary @ Suresh Kumar, S/O Late Umesh Choudhary R/O Village- Shumbha, P.S.- Alouli, District- Khagaria
2. Kundan Choudary @ Aman Kumar, S/O Suresh Choudhary @ Suresh Kumar R/O Village- Shumbha, P.S.- Alouli, District- Khagaria

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Singh

For the Opposite Party/s : Mr. Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-08-2022 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 307, 326, 308 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioners submits that the petitioners have antecedent of four cases. It is next submitted that all the four cases have been instituted by the side of the present informant on account of land dispute as petitioners and informant are neighbours.

The learned counsel for the petitioners submits that



from perusal of the allegation as alleged in the F.I.R., it would manifest that petitioner no.1 is alleged to have given orders based on which, Ajay Choudhary fired causing injury on chest of the husband of the informant and thereafter, Amit Choudhary fired causing injury on his stomach. It is also alleged that Vivek Choudhary fired, but missed and the reason for the occurrence is that the accused were pressurizing the informant to compromise the cases which was lodged against the brother of Suresh Choudhary.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is next submitted that no specific overt act has been alleged against the petitioners as from perusal of the F.I.R., it is clear that it were Ajay Choudhary and Amit Choudhary, who fired, but petitioner no.1 came to be implicated alleging that the occurrence took place on account of his orders. It is next submitted that it absolutely does not stand to reason that had the petitioner no.1 given orders to Ajay Choudhary and Amit Choudhary to jump in the well, would they have jumped in the well. It is also submitted that as far as Kundan is concerned, no specific allegation has been alleged against him. It is next submitted that from the side of the petitioners also, Alouli P. S.



Case No.256 of 2021 has been instituted against the side of the informant and others in which the brother of the petitioner no.1 has been brutally assaulted by sharp edged weapon and the injuries suffered is grievous.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

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, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty 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 Alouli P. S. Case No.255 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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