

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15693 of 2023

Arising Out of PS. Case No.-338 Year-2022 Thana- SUPAUL District- Supaul

1. MITHILESH CHOUDHARY Son of Late Satyanarayan Choudhary R/V- Gauravgadh, Ward no. 5, PS and Dist- Supaul
2. Jitan Choudhary, Son of Satyanarayan Choudhary R/V- Gauravgadh, Ward no. 5, PS and Dist- Supaul
3. Ganesh Choudhary @ Yogesh Kumar Son of Madan Choudhary R/V- Gauravgadh, Ward no. 5, PS and Dist- Supaul
4. Bechan Choudhary Son of Late Dhalai Choudhary R/V- Gauravgadh, Ward no. 5, PS and Dist- Supaul
5. Shiv Shankar Choudhary Son of Bechan Choudhary R/V- Gauravgadh, Ward no. 5, PS and Dist- Supaul
6. Shivnarayan Choudhary Son of Late Maujelal Choudhary R/V- Gauravgadh, Ward no. 5, PS and Dist- Supaul
7. Mahanthi Choudhary Son of Late Guru Choudhary R/V- Gauravgadh, Ward no. 5, PS and Dist- Supaul
8. Ramesh Choudhary @ Ramesh Kumar Son of Mahanthi Choudhary R/V- Gauravgadh, Ward no. 5, PS and Dist- Supaul
9. Pankaj Kumar Son of Ramnath Choudhary R/V- Gauravgadh, Ward no. 5, PS and Dist- Supaul
10. Ramnath Chaudhary Son of Late Maujelal Choudhary R/V- Gauravgadh, Ward no. 5, PS and Dist- Supaul
11. Birendra Chaudhary Son of Late Shivnarayan Chaudhary R/V- Gauravgadh, Ward no. 5, PS and Dist- Supaul
12. Tuntun Chaudhary @ Tuntun Kumar Son of Ramnath Chaudhary, R/V- Gauravgadh, Ward no. 5, PS and Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun
For the Opposite Party/s : Mr.Manoj Kumar



CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-05-2023 At the outset, the learned counsel for the petitioners submits that during the interregnum period, the petitioner no. 6 has also died, hence, the present petition has been rendered infructuous qua the petitioner no. 6.

Accordingly, the present petition qua the petitioner no. 6 stands disposed off as having been rendered infructuous.

At this juncture, the learned counsel for the petitioner seeks not to press the present petition qua the petitioners no. 9 and 12, however, seeks liberty on behalf of them to enable them to surrender before the learned Court below and seek regular bail. Liberty, so sought, is granted.

The present petition qua the petitioners no. 9 and 12 stands disposed off as not pressed.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Supaul P.S. Case No. 338 of 2022, registered for the offence punishable under Sections 147, 148, 149, 379, 323, 326, 504, 341, 447 and 506 of the Indian Penal Code.

The case of the prosecution, in brief, is that upon being exhorted by the petitioners no. 5 and 11, the petitioners no. 10



and 13 had assaulted Ram Charan Chaudhary, resulting in him receiving serious injuries, whereafter the petitioner no. 8 had assaulted the informant, namely, Arun Chaudhary and then, all the accused persons had assaulted one Guddu Chaudhary.

The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that as far as the petitioners 1 to 3, 5, 8, 10 and 11 are concerned, a general and omnibus allegation has been levelled. The learned counsel for the petitioner has further submitted that as far as the petitioner no. 7 is concerned, he is stated to have assaulted the informant, however, there is no injury report on record of the case as far as the informant is concerned.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the petitioners no. 1 to 3, 5, 8, 10 and 11 and as far as the petitioner no. 7 is concerned, he is



alleged to have assaulted the informant, but there is no injury report available on record as far as the informant is concerned, apart from the fact that the petitioners are having a clean antecedent, I deem it fit and proper to admit the petitioners no. 1 to 5, 7, 8, 10 and 11 to the privilege of anticipatory bail.

Accordingly, the petitioners no. 1 to 5, 7, 8, 10 and 11 are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 J.M. 1st Class, Supaul, in connection with Supaul P.S.Case No. 338 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

