

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25242 of 2023

Arising Out of PS. Case No.-533 Year-2022 Thana- KAUWAKOL District- Nawada

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1. MUKESH CHOUDHARY @ MUKESH KUMAR S/O-TRILOKI CHOUDHARY R/o-Sokhodewra, P.s.-Kawakaul, Distt.-Purnea
 3. Upendra Choudhary @ Upendra Kumar S/o-Triloki Choudhary R/o-Sokhodewra, P.s.-Kawakaul, Distt.-Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-07-2023 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 120(B), 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that, on the alleged date, the husband of the informant went for call of nature and when he did not return, the informant went outside the house and saw that five persons were holding her husband and co-accused Satendra Chaudhary cut her husband's throat with *pasuli*.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather



general and omnibus in nature. There is specific allegation against co-accused Ram Swarup Choudhary and his son Satyendra Choudhary. Petitioners have one criminal antecedent as mentioned in para-3 of this application.

5. Per contra, learned APP for the State vehemently opposing the bail petition submitted that the informant is an eye-witness of the alleged occurrence and she levelled allegations against these petitioners.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Kawakaul P.S. Case No. 533 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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