

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30967 of 2023

Arising out of PS. Case No.-880 Year-2022 Thana- HILSA District- Nalanda

1. RAMESH CHOUDHARY SON OF LATE SIYA SHARAN CHOUDHARY
Resident of Village - Rajwa, P.S. - Hilsa, District - Nalanda
2. UMESH CHOUDHARY SON OF LATE YAMUNA CHOUDHARY
RESIDENT OF VILLAGE- MAGDUMPUR, P.S. - BEN, DISTRICT -
NALANDA
3. GANAURA CHOUDHARY @ GANAURI CHOUDHARY S/o Umesh
Choudhary RESIDENT OF VILLAGE- MAGDUMPUR, P.S.- BEN,
DISTRICT - NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lovekush Kumar, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

- 2 14-07-2023 1. At the outset, the learned counsel for the
petitioners seeks to withdraw the present petition
qua the petitioner no. 1 since he has already been
arrested during the interregnum period.
2. Accordingly, the present petition qua the
petitioner no. 1 stands dismissed as not pressed.
3. Heard the learned counsel for the
petitioners and the learned A.P.P. for the State.
4. The petitioners no. 2 & 3 apprehend
their arrest in connection with Hilsa P.S. Case No.
880 of 2022, registered for the offences punishable
under Sections 307/34 of the Indian Penal Code



and Sections 27/25 (1-b)a of the Arms Act.

5. The allegation is regarding the informant having gone to his agriculture field on the alleged date and time of occurrence for preventing the accused persons including the petitioners herein from irrigating the field in question, whereafter the accused persons are stated to have started firing in the air, however, the police had arrived in the meantime and the matter was diffused.

6. The learned counsel for the petitioners no. 2 & 3 has submitted that the petitioners no. 2 & 3 are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners no. 2 & 3 has further submitted that a general and omnibus allegation has been levelled against the accused persons and the petitioners no. 2 & 3 have not been alleged to have engaged in any sort of specific overt act.

7. Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.



8. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials on record as also considering the fact that the petitioners no. 2 & 3 have neither been alleged to have engaged in any sort of specific overt act nor have been alleged to have fired gun shots and a general and omnibus allegation has been levelled qua them, I deem it fit and proper to admit the petitioners no. 2 & 3 herein to the privilege of anticipatory bail.

9. Accordingly, the petitioners no. 2 & 3, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Hilsa (Nalanda), in connection with Hilsa P.S. Case No. 880 of 2022, subject to the conditions as



stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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