

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34949 of 2023

Arising Out of PS. Case No.-289 Year-2022 Thana- NOKHA District- Rohtas

-
1. Bikrama Choudhary Son Of Late Adalat Choudhary Resident Of Village-
Maharajganj, Ps- Nokha, Distt- Rohtas At Sasaram
 2. Kapil Muni Choudhary Son Of Late Adalat Choudhary Resident Of Village-
Maharajganj, Ps- Nokha, Distt- Rohtas At Sasaram
 3. Wakil Choudhary Son Of Late Adalat Choudhary Resident Of Village-
Maharajganj, Ps- Nokha, Distt- Rohtas At Sasaram
 4. Suresh Choudhary Son Of Late Adalat Choudhary Resident Of Village-
Maharajganj, Ps- Nokha, Distt- Rohtas At Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-07-2023 1. Heard learned counsel for the petitioners and the
learned APP for the State.

2. The petitioners are apprehending their arrest in
connection with Nokha P.S. Case No. 289 of 2022 registered for
the offence punishable under Sections 341, 323, 379, 324, 307,
504, 506 and 34 of the Indian Penal Code.

3. There is allegation of indiscriminate assault by all
the accused persons upon the informant and members of the
prosecution party.

4. It is submitted by the learned counsel for the
petitioners that the petitioners bear clean antecedent. The nature
of allegations manifests that the occurrence is based on



subsisting dispute between the parties. There is a case and counter case and the accused persons have also sustained injuries. It is submitted that the injury report of accused no. 3 has been placed on record. Further, it is submitted that although there is an allegation that the petitioners were carrying firearms, the same has not been used in the offence in the alleged occurrence. Therefore, the case under section 307 I.P.C is not made up.

5. Learned APP has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions, this Court is inclined to allow the prayer of petitioner nos. 1, 3, and 4, namely, Bikrama Choudhary, Wakil Choudhary, and Suresh Choudhary.

7. Accordingly, let the petitioner nos. 1, 3 and 4, namely, Bikrama Choudhary, Wakil Choudhary, and Suresh Choudhary, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Sasaram, Rohtas in connection with Nokha P.S. Case No. 289 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of



Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

8. Insofar as petitioner No. 2, Kapil Muni Choudhary, is concerned, on examination of the injury report of Krishna Singh, who has been assaulted by accused Kapil Muni Choudhary, this Court finds that he has sustained injury on the left frontal parietal region of the head and right hand finger. The vital part has been injured and there is repeated blow. The Court therefore is not inclined to allow the prayer of petitioner No. 2, namely, Kapil Muni Choudhary.

9. Application is disposed of.

(Madhuresh Prasad, J)

SUMIT/-

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

