

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57881 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- CHANDAN District- Banka

1. Hari Nandan Choudhary, Son of Sri. Nageshwar Choudhary R/V- Jhingajhal, P.S- Chandan, Dist- Banka
2. Gogo Choudhary @ Arvind Kumar, Son of Sri. Laljee Choudhary R/V- Jhingajhal, P.S- Chandan, Dist- Banka
3. Pinky Choudhary @ Pankaj Kumar Choudhary, Son of Sri. Krishna Lal Choudhary R/V- Jhingajhal, P.S- Chandan, Dist- Banka
4. Bateshwar Choudhary, Son of Sri. Maholal Choudhary R/V- Jhingajhal, P.S- Chandan, Dist- Banka
5. Bangta Choudhary @ Anjani Kumar Choudhary @ Anjani Choudhary, Son of Sri. Maholal Choudhary R/V- Jhingajhal, P.S- Chandan, Dist- Banka
6. Pero Choudhary @ Mithilesh Kumar, Son of Sri. Palakdhari Choudhary R/V- Jhingajhal, P.S- Chandan, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 11-04-2023 Heard Mr. Ajay Mukherjee, learned Counsel

 appearing on behalf of the petitioner and Mr. Dilip Kumar No.1,

 learned A.P.P. appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Chandan P.S. Case No. 01 of 2022 registered under Sections 147, 148, 149, 307, 435 of the Indian Penal Code and Section 27 of the Arms Act.



3. The prosecution story, in brief, is that while the informant was constructing boundary on his own land, the accused persons named in the F.I.R. started firing from their pistols and hurled bombs with intent to kill the informant and also set 5 to 7 motorcycles and two tractors engaged in the alleged work on fire.

4. Learned Counsel appearing on behalf of the petitioner submitted that there is long-standing land dispute between the parties. He further submitted that there is case and counter case between the parties. In course of investigation, Investigating Officer has not collected any evidence as to whether any one was injured as per allegation made in the F.I.R. He further informed this Court that the petitioner's side had already filed a Title Suit No. 230 of 2021 and an injunction petition was filed on 22.12.2021 and after filing of the subsequent injunction petition, informant side tried to grab the land in dispute, which was objected by the petitioners' side. He further submitted that both the parties have assaulted each other. He further informed this Court that the informant side has claimed insurance of the vehicles, which are damaged and the informant side has been duly given compensation amount by the insurance company. He further submitted that he has also



received instruction that the petitioner is also ready to compensate on account of the damages, which have been caused to the vehicles which are set on fire.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Taking into consideration, the nature of allegation made in the F.I.R., the petitioners have given undertaking as submitted by learned counsel for the petitioner that they have ensured to give entire money for 7-8 damaged vehicles, which were set on fire, equivalent to their price. Title suit is pending between the parties relating to land which is the place of occurrence. The vehicles were damaged, however, some persons of the informant side received injury but the nature of injury has not been mentioned.

7. I am of the opinion the petitioners have made out prima facie case to be released on pre-arrest bail with a condition that the petitioners must file an affidavit to bring on record the acknowledgment that the Opposite Party No.2 has received the due amount on account of the damages.

8. Learned Court below is directed to release the petitioners on pre-arrest bail, in the event of their arrest or surrender before the learned Court below within a period of four



weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate/Court concerned, Banka in connection with Chandan P.S. Case No. 01 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.:-

(i) The court below is directed to verify the criminal antecedent of the petitioners as stated in Paragraph No. 3 of the bail application and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

Nilmani/-
Minu/-

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

