

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72909 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- MAHISHI District- Saharsa

1. Keshav Kumar Choudhary @ Keshav Kumar, S/o Panna Choudhary, R/O Village and P.S.- Mahishi, District- Saharsa
2. Akshay Kumar @ Akshay Kumar Choudhary, S/O Panna Choudhary, R/O Village and P.S.- Mahishi, District- Saharsa
3. Utpal Kumar @ Utpal Kumar Jha, S/O Late Tara Kumar Jha, R/O Village- Satarwar, P.S.- Mahishi, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kanchan Jha, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-04-2023 Learned counsel for the petitioner seeks permission to make necessary correction in para 14 of the application during the course of the day.

Permission is accorded.

Heard learned counsel appearing on behalf of the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Mahishi P.S. Case No. 71 of 2022 registered for the offences under Sections 341, 323, 324, 307, 379, 384, 504, 506/34 of the Indian Penal Code.

It is alleged that while the informant was standing



along with his younger brother, in the meanwhile, his nephew Keshav Kumar Choudhary and Akshay Kumar Choudhary along with 4-5 unknown miscreants came and started abusing and assaulting the informant and his brother. Further allegation has been made of demand of Rs. 5,00,000/- as well as the petitioner nos.1 and 2, took out golden chain and snatched a bag containing Rs.1,00,000/-.

Submission has been made on behalf of the petitioners that from the F.I.R., it is evident that the petitioner nos.1 and 2 none-else, but the nephew of the informant and petitioner no.3 is the cousin brother of petitioner nos. 1 and 2. He further submits that in fact on account of some land dispute, a free fight took place between the parties, which resulted into injury to both sides and there is a counter version of the present case, being Mahishi P.S. Case No. 72 of 2022 against the informant and his other family members. It is next submitted that the injury sustained on the person of the informant and his brother are found to be simple in nature, caused by hard and blunt substance.

On the other hand, learned APP for the State opposes the bail application and submits that specific allegation has been levelled against the petitioners and they always indulged in



terrorizing and assaulting the informant and his family members, apart from the criminal antecedent, as has been mentioned in para.3 of the petition.

Regard being had to the submissions made on behalf of the parties and considering the relationship between the parties and the nature of injuries, coupled with the case and counter case, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Saharsa in connection with Mahishi P.S. Case No. 71 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

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