

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39557 of 2024

Arising Out of PS. Case No.-106 Year-2023 Thana- BELDOUR District- Khagaria

Gurudeo Choudhary @ Gurudev Choudhari Son of Late Lakhan Choudhary
Village- Nayadas Basa, Basanwara, Ps- Alamnagar, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Beldaur P.S. Case No. 106 of 2023 instituted for the offences under Sections 341, 323, 325, 307, 379 and 34 of the Indian Penal Code and Section 27 of the Arms Act

3. Prosecution case, in short, is that, this petitioner along with other co-accused persons armed with weapons arrived at the agriculture field of the informant and assaulted the informant and his son. It is further alleged that when brothers of informant arrived to rescue, they were also assaulted by them by means of butt of the rifle and one of the accused made fire which hit in the right hip of the informant and on one Amit



Kumar which passed from his ear.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has transpired during investigation. Learned counsel for the petitioner submits that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. No incriminating article has been recovered from the conscious possession of the petitioner. There is land dispute between the parties. Learned counsel further submitted that there is nothing specific in the case diary that who fired upon the informant. It has been submitted on behalf of the petitioner that the petitioner is in custody since 07.01.2024 and has no criminal antecedent.

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

6. Considering the aforesaid facts and circumstances of the case, clean antecedent and no material on record against the petitioner as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of Court below/concerned Court in connection with Beldaur P.S. Case No. 106 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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