

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56684 of 2024

Arising Out of PS. Case No.-433 Year-2023 Thana- MUNGER MUFFASIL District- Munger

1. Chandra Shekhar Choudhary @ Chandrashekhar Choudhary Son of Late Shyam Lal Choudhary @ Shamo Choudhary @ Shyamlal Choudhary R/o Village - Ramgarh, P.S.- Muffasil, District - Munger, Bihar.
2. Shiv Shankar Choudhary @ Shivshankar Choudhary Son of Late Shyam Lal Choudhary @ Shamo Choudhary @ Shyamlal Choudhary R/o Village - Ramgarh, P.S.- Muffasil, District - Munger, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anand Kumar Tiwari, Mr. Nishi Kant, Advocates.
For the Opposite Party/s :		Mr. Upendra Kumar, APP
For the informant		Mr. Jyoti Ranjan Jha, Ms. Shrishti Rani, Advocates.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 25-09-2024 Heard Mr. Anand Kumar Tiwari, learned counsel for the petitioners, learned APP for the State and Ms. Shrishti Rani, learned counsel appearing for the informant.

2. The petitioners are in judicial custody in connection with Mufassil P.S. Case No. 433 of 2023 for the offences punishable under Sections 147, 149, 307, 323, 324, 325, 341, 379, 384 of the Indian Penal Code and Section 27 of the Arms Act lodged on 13.12.2023 by the informant, Ranjeet Choudhary.

3. As per the FIR, the informant alleged that the accused persons variously armed assaulted the family members. So far as these petitioners are concerned, allegation is of



assaulting Amarjeet Choudhary whereas co-accused, Manish fired upon the informant which hit his small finger. Further allegation is that co-accused, Ankit Kumar assaulted cousin brother of the informant, Aditya Kumar causing severe injuries on his hands. Further allegation is against the female member of the family is of taking away the gold chain. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that both of them are aged persons, the informant and the accused side are agnates, only to implicate, each and every member has been assigned role. Though both the petitioners' counsel as also the learned counsel for the informant having gone through the learned Sessions Judge's order submitted that the injury sustained by Amarjeet Choudhary has been found to be grievous in nature, the case diary and the paragraph 17 which has been incorporated by the learned Sessions Judge shows that the said paragraph has been dedicated to the injury reports of Ranjeet Choudhary and Aditya Kumar. So far as the injury sustained by Aditya Kumar is concerned, it has been found to be simple in nature while regarding Ranjeet Choudhary, it has been marked as grievous. Ranjeet Choudhary is the informant of this case.

5. As recorded above, different roles have been



assigned to the accused persons, the allegation of assault/opening of fire on the informant of co-accused, Manish, regarding assault on Ankit Kumar, the role of Aditya Kumar has been assigned while these petitioners along with one Kishori Choudhary have been alleged to assault Amarjeet Choudhary.

6. Learned APP has also gone through the case diary and has acknowledged that the injury report of Amarjeet Choudhary is not on record and learned Sessions Judge has wrongly incorporated in para-17 where the injuries of Aditya Kumar and Ranjeet Choudhary have been incorporated.

7. Considering the aforesaid facts, both the petitioners being aged persons are in custody since 30.04.2024 (para-15 of the petition) and as per the undertaking they will be diligently appearing in the trial, this Court is inclined to extend them the privilege of bail.

8. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Munger in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member of



the petitioners who shall provide official document to show his/their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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