

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80535 of 2023

Arising Out of PS. Case No.-150 Year-2023 Thana- MANSI District- Khagaria

1. Raj Kumar Choudhary S/O Bhola Choudhary R/O Village- Pakrail, P.S- Maheshkhunt, Distt.- Khagaria.
2. Jaijai Ram Choudhary S/O Bhola Choudhary R/O Village- Pakrail, P.S- Maheshkhunt, Distt.- Khagaria.
3. Ajay Singh @ Ajay Kumar S/O Bhikhari Singh R/O Village- Pakrail, P.S- Maheshkhunt, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Mansi P.S. Case No. 150 of 2023 dated 27.05.2023, instituted for the offence punishable under Sections 447, 323, 307, 448, 354, 379/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that the accused persons including the petitioner came with *lathi*, *danda*, iron rod and a country made pistol at the house of the informant and started abusing. On objection they entered into house of the



informant forcibly. Accused Rudal Yadav caught her (informant) hair and started dragging her on the ground. All accused persons assaulted her with foot and fists. Abhinandan Choudhary tried to disrobe her. When her husband Dharmendra Singh came to save her then all accused persons assaulted her husband with *lathi*, rod and butt of pistol on his head, back, thigh and knee causing serious injury to him. Sangam Choudhary snatched gold chain worth Rs. 1,00,000/- and cash. Jaijai Ram Choudhary fled away with a box containing Rs. 10,000/- cash and cloths. Raj Kumar Choudhary fired with three nut *pistol* in air with intention of spreading panic.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that there is specific allegation of assault against Rudal Yadav, who caught her hair and started dragging her on the ground. There is no specific allegation of assault against the petitioners rather it is general and omnibus and other allegations regarding snatching golden chain and fleeing away with a box containing Rs 10,000/- cash is superfluous. It is vehemently submitted that the present case has been lodged on 27.05.2023 after six days of the delay without any explanation In fact petitioner no. 1 lodged the F.I.R. on the



same day of occurrence i.e. 21.05.2023 bearing Mansi P.S. Case No. 142 of 2023 dated 21.05.2023 under Sections 452, 324 and 307/34 of the Indian Penal Code against the husband of the informant and his associates. It is submitted that petitioners' side lodged the case much earlier and when the husband of the informant of the present case came to know about the above mentioned case then he used the informant as instrument in lodging the F.I.R. The injury report of Dharmendra Singh which reveals that the injury mentioned in the injury report are as follows:-

- (i). Swelling on frontal head
- (ii). Abrasion on left thigh
- (iii). Abrasion on right thigh

All the injuries are simple in nature. Lastly, it has been submitted that petitioner nos. 1 and 2 have one criminal case against them and petitioner no. 3 has clean antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners in connection with Mansi P.S. Case No. 150 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten



thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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