

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13314 of 2025

Arising out of PS. Case No.-133 Year-2024 Thana- AMDABAD District- Katihar

- 1. Balram Choudhary Son of Gopal Choudhary Resident of village -Gopalpur Ghishu Tola, PS -Sahebganj Muffasil District -Sahebganj Jharkhand
- 2. Shivjee Choudhary @ Shivaji Choudhary Son of Gopal Choudhary Resident of village -Gopalpur Ghishu Tola, PS -Sahebganj Muffasil District -Sahebganj Jharkhand
- 3. Gopal Choudhary son of Late Rajendra Choudhary Resident of village -Gopalpur Ghishu Tola, PS -Sahebganj Muffasil District -Sahebganj Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Bimal Kumar, Advocate
For the Informant : Mr. Bhola Prasad, Advocate
Mr. Inderjeet Kumar, Advocate
For the State : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 15-07-2025 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the state.

2. The petitioners seeks bail in a case instituted for the offences under Sections 126(2), 115(2), 303(2), 351(2), 351(3), 103(1), 3(5) of Bhartiya Nyaya Sanhita, 2023. He has no criminal antecedent.

3. As per the prosecution case, the informant has alleged that the named accused persons came to the fields where



the informant and her husband were ploughing the field and started assaulting the husband of the informant and others. It is further alleged that the petitioner, Balram Choudhary along with eight others had assaulted with lathi and other weapons while it is specifically alleged that the petitioner Shivjee Choudhary and Gopal Coaudhary had assaulted on the right hand and left leg and on the nose of the informant respectively. The informant has further alleged that her husband subsequent thereto succumbed to the injuries sustained.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case and from perusal of the FIR, it would be evident that there is no specific allegation of assault upon the petitioner no.1, namely, Balram Choudhary as there is general and omnibus allegation against nine persons to have assaulted with lathi and danda etc. It is further submitted that the allegations upon Shivjee Choudhary is to assault with sickle (a sharp edged weapon) on his right hand and left leg while petitioner No. 3, Gopal Choudhary had assaulted on the nose by lathi while from perusal of the postmortem report there is no injury on the nose of the deceased while there is not a single injury which could have been caused by sharp edged weapon. Learned counsel next submits that in view of such dis-



crepancy in the statement and the FIR *vis-a-vis* the ante-mortem injury it could be safe to submit that the informant was not an eye-witness and the name of the petitioners have surfaced due to personal differences. It is lastly submitted that the petitioners have clean antecedents and petitioner Nos.1 and 2 are in custody since 28.12.2024 and petitioner No. 3 is in custody since 08.01.2025.

5. Learned Additional Public Prosecutor for the State as well as learned counsel for the informant have vehemently opposed the prayer for bail of the petitioners and have stated that there is specific allegation upon the petitioners to have assaulted the husband of the informant who during the course of treatment succumbed to his injuries, as such, petitioners should not be released on bail. Learned counsel for the informant submits that from perusal of the postmortem report there are four ante-mortem injuries caused to the deceased and the opinion given by the Doctor is that it was on account of such injuries that the husband (deceased) of the informant had died.

6. Considering the aforesaid submissions of learned counsels and taking into account the statements made in the FIR and the injuries sustained by the husband (deceased) of the informant and the period of custody of the petitioners, let the peti-



tioners above named, are directed to 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 the learned concerned Judicial Magistrate/Court concerned, 1st Class, Katihar in connection with Amdabad P.S. Case No. 133 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petition-



ers. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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