

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23275 of 2025

Arising Out of PS. Case No.-126 Year-2024 Thana- Jhandapur District- Bhagalpur

1.

Prakash Choudhary S/o Late Dasharath Choudhary Resident of vill- Marwa, P.S- Jhandapur, Distt.- Bhagalpur
2.

Sourav Choudhary @ Sanjay Choudhary @ Sourav @ Himanshu Kumar S/o Sri Prakash Choudhary Resident of vill- Marwa, P.S- Jhandapur, Distt.- Bhagalpur
3.

Rahul Choudhary @ Rahul Kumar S/o Sri Rajeev Choudhary R/o vill - Dumariya, P.S.- Parbatta, Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Anand, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-05-2025

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Jhandapur (Bihpur) P.S. Case No. 126 of 2024 for the offence under Sections 191(2), 191(3), 190, 329(3), 118(1), 109, 74, 352 and 351(2) of the Bhartiya Nyaya Sanhita and section 27 of the Arms Act, lodged on 15.12.2024 by the informant, Biru Kumar Choudhary.

3. As per the prosecution story, for land dispute, the allegation is that the accused persons armed variously came and Amit Choudhary gave ‘farsa’ blow to the informant while Rahul Choudhary gave ‘axe’ blow to the informant’s brother, both on the head causing injuries, omnibus allegation is against the other accused persons including these petitioners herein of opening



fire and assaulting the wife and niece of the informant beside outraging the modesty. This led to the F.I.R.

4. Learned counsel for the petitioner submits that admittedly, land dispute is there in which exaggerated has been lodged. The main allegation is against Amit Choudhary and Rahul Choudhary, an omnibus allegation is there.

5. Learned APP opposes the prayer for bail submitting that they being the aggressor, no relief can be granted.

6. Considering the aforesaid facts as also the omnibus allegation is there against these petitioners, main allegation is against Amit Choudhary and Rahul Choudhary, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned 3rd Additional Chief Judicial Magistrate, Naugachhiya, Bhagalpur, in connection with Jhandapur (Bihpur) P.S. Case No. 126 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) 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;

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

(Rajiv Roy, J)

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