

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51985 of 2025

Arising Out of PS. Case No.-74 Year-2025 Thana- PURNAHYA District- Sheohar

1. Deepak Kumar Chaudhari @ Deepak Chaudhari S/o- Sitaram Choudhari Village- Ashogi Dhani Chhapra PS- Purnahiya Distt- Sheohar
2. Sitaram Chaudhari S/o- Late Banwari Chaudhari Village- Ashogi Dhani Chhapra PS- Purnahiya Distt- Sheohar
3. Rakesh Kumar @ Rakesh Chaudhari S/o- Sitaram Chaudhari Village- Ashogi Dhani Chhapra PS- Purnahiya Distt- Sheohar
4. Gautam Kumar S/o- Yogendra Chaudhari Village- Ashogi Dhani Chhapra PS- Purnahiya Distt- Sheohar
5. Keshav Kumar Chaudhari @ Keshw Chaudhari S/o- Sitaram Chaudhari Village- Ashogi Dhani Chhapra PS- Purnahiya Distt- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-08-2025 Heard Mr. Deepak Kumar, learned counsel for the petitioners and Mr. Jai Narain Thakur, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Purnahiya P.S. Case No. 74 of 2025, F.I.R. dated 13.06.2025 for the offences punishable under Sections 126(2), 115(2), 118(1), 303(2), 352, 351(2), 3(5)

3. According to prosecution case, the informant alleged that the petitioner along with other co-accused persons came at his land and started making effort to usurp the possession thereof on the strength of weapon. When the informant objected, then the accused persons assaulted the informant and his family members.



4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. It appears from the FIR itself that due to admitted land dispute the present occurrence has taken place and there is case and counter case between the parties. Although the petitioners are named in the FIR but there is no specific allegation of assault or overt act against them rather specific allegation of assault is against co-accused person, namely, Govind Choudhari that he inflicted knife blow upon brother of the informant, namely, Siyalal Choudhari.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 that they are on bail in the pending matters.

6. Considering the aforesaid facts and circumstances, there is case and counter case and there is no specific allegation of assault against the petitioners, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sheohar in connection with



Purnahiya P.S. Case No. 74 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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 antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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