

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56004 of 2025

Arising Out of PS. Case No.-41 Year-2025 Thana- MORO District- Darbhanga

1. Mahesh Choudhary son of Late Saryug Choudhary R/o Village -Patori Ps- Moro Dist -Darbhanga
2. Sujit Choudhary @ Sujit Kumar Choudhary son of Mahesh Choudhary R/o Village -Patori Ps- Moro Dist -Darbhanga
3. Dinesh Choudhary son of Ram Briksh Choudhary R/o Village -Patori Ps- Moro Dist -Darbhanga
4. Sushil Choudhary @ Sushil Kumar Choudhary Son of Ganesh Choudhary R/o Village -Patori Ps- Moro Dist -Darbhanga
5. Krishna Kumar @ Kanhaiya Kumar son of Dinesh Choudhary R/o Village -Patori Ps- Moro Dist -Darbhanga
6. Arun choudhary @ Arun Kumar choudhary son of Ram Pukar Choudhary R/o Village -Patori Ps- Moro Dist -Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-08-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Moro P.S. Case No. 41 of 2025, dated 12.05.2025, lodged under Section 190, 132, 121(1), 262, 263, 226(2), 115(2), 352, 351(2) and 309(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against 15 named and 10-15 unknown accused persons, against whom there is an allegation that when the police received information that the accused persons in Moro P.S. Case No. 30 of 2025 were



present at their house, the police personnel, having received such information and after apprehending two accused persons, reached the house of Sujit Chaudhary with a vehicle. At that time, 13 named and 10-15 unknown accused persons surrounded the police vehicle, started abusing them while carrying lathis and dandas, attempted to snatch the pistol, forcibly released the apprehended person, and threatened that they were not afraid of the law.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He further submits that the criminal antecedents of the petitioners are clean, except for petitioner No. 2, against whom one criminal case is pending, in which he is currently on bail. He also submits that petitioner No. 1 is 85 years old, petitioner No. 6 is 67 years old, and petitioner No. 3 is suffering from a heart disease.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that, as per the FIR, it is a situation of lawlessness, wherein the accused persons forcibly apprehended the arrested person from police custody.

6. As such, in the present facts and circumstances of the case, and considering the age of petitioners No. 1 and 6, as



well as the medical condition of petitioner No. 3, let petitioner Nos. 1, 3, and 6, namely, Mahesh Choudhary, Dinesh Choudhary, and Arun Choudhary @ Arun Kumar Choudhary, be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of C.J.M., Darbhanga, in connection with Moro P.S. Case No. 41 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

7. So far as the bail application of the petitioner Nos. 2, 4 & 5 are concerned, their bail applications are hereby rejected, with a liberty that in case, the petitioner Nos. 2, 4 & 5 surrender within six weeks before the Trial Court, then the Trial Court is directed to pass order on their surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner Nos. 2, 4 & 5 has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J.)

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