

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68167 of 2024

Arising Out of PS. Case No.-161 Year-2024 Thana- BUXAR MUFFSIL District- Buxar

1. Ajay Choudhary @ Ajay Kumar Choudhary S/O Sigashan Choudhary
 2. Sanjai Choudhary @ Sanjai Kumar Choudhary S/O Sigashan Choudhary
 3. Ram Brat Choudhary S/O Late Bangali Choudhary
 4. Kallu Choudhary @ Ram Pravesh Choudhary S/O Sigashan Choudhary
 5. Govind Choudhary @ Govind Kumar S/O Mochhu Choudhary
 6. Mochhu Choudhary S/O Late Ramadhar Choudhary
- All are R/O Village- Banarpur, P.S- Buxar Muffasil, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak, Advocate
For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 24-01-2025 Heard Mr. Ravi Shankar Pathak, learned counsel

appearing on behalf of the petitioners and Mr. Parmanand

Prasad, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Buxar Muffasil P.S. Case No. 161 of 2024 registered for
the offence(s) punishable under Sections 147, 149, 341,
323,325, 307, 504 and 506 of the Indian Penal Code.

3. As per the allegation made in the FIR, informant is
the owner of a shop and the accused persons came to his shop
and took two litres of cold water and after mixing the same in



the liquor, they drank it. When informant asked for money, he was assaulted by one UP-Mukhiya, namely, accused / Ajay Choudhary and other accused persons. Both the parties entered into fierce fight, in which the informant and his family members were brutally assaulted.

4. Learned counsel appearing on behalf of the petitioners submitted that there is no specific allegation against the petitioners. He further informs that petitioners no.3, 5 and 6 have clean antecedents, whereas petitioners no.1, 2 and 4 have two cases each, in which they are on bail. Petitioners are innocent and the allegation being general and omnibus, petitioners deserve to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that there are direct allegations against petitioners no.2, 5 and 6 of causing assault. Petitioner no.2 had assaulted the mother of the informant on the head and injury is simple in nature. Petitioner no.5 had assaulted the informant, namely, Bhola Choudhay and the injury attributable to him is grievous in nature. Petitioner no.6 had assaulted the father of the informant on his head, causing grievous injury and petitioners no.1, 3 and 4 had also participated in the said incidence and petitioners don't deserve



to be released on bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, specific allegation as has been submitted by the learned APP on the basis of evidence which has surfaced in course of investigation that petitioner no.2 had assaulted the mother of the informant; petitioner no.5 had assaulted the informant and petitioner no.6 had also participated in the said incidence and assaulted the father of the informant, causing grievous injury. From the FIR, it appears that the injury sustained by mother of the informant cannot be said to have been caused only by the petitioner no.2 in view of single injury on the parental region. Against petitioners no.1, 3 and 4 there is no specific allegation of having causing assault.

7. Considering the allegation made against petitioners no.1, 2, 3 and 4, I find that they have made out a case to be released on pre-arrest bail. **The petitioners no.1, 2, 3 and 4, above named,** are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar in connection with Buxar Muffasil P.S. Case No.



161 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. So far as petitioners no.5 and 6 are concerned, since there is direct allegation against them that with an intention to kill the informant and his father, they have assaulted, causing grievous injury, no doubt there is case and counter case arising out of said incidence, **I am not inclined to grant pre-arrest bail to the petitioners no.5 and 6.**

9. However, the petitioners no.5 and 6 , if so advised, may surrender before the District Court and seek regular bail. In that case, the District Court is directed to consider the bail application of the petitioners no.5 and 6 on the same day and pass necessary order on the basis of material which has come in course of investigation without delay.

10. The present petition stands disposed of.

(Purnendu Singh, J)

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