

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80516 of 2024

Arising Out of PS. Case No.-137 Year-2024 Thana- ITARHI District- Buxar

1. Raja Choudhary @ Rajaram Choudhary Son of Late Ramashray Choudhary Resident of Village-Bhitihra, P.S.- Itarhi, District- Buxar
2. Ram Ekbal Choudhary Son of Late Ramashray Choudhary Resident of Village-Bhitihra, P.S.- Itarhi, District- Buxar
3. Sanjay Choudhary Son of Late Ramashray Choudhary Resident of Village-Bhitihra, P.S.- Itarhi, District- Buxar
4. Ramvilas Choudhary @ Rambilas Choudhary Son of late Ramashray Choudhary Resident of village- Bhitihra, P.S- Itarhi, Distt- Buxar
5. Rajesh Choudhary Son of Late Muktinath Choudhary @ Muktinath Resident of village- Bhitihra, P.S- Itarhi, Distt- Buxar
6. Durgesh Choudhary Son of Late Muktinath Choudhary @ Muktinath Resident of village- Bhitihra, P.S- Itarhi, Distt- Buxar
7. Pradeep Choudhary Son of Raja Choudhary Resident of village- Bhitihra, P.S- Itarhi, Distt- Buxar
8. Sonu Chaudhary @ Ashutosh Kumar Patel Son of Ramekbal Choudhary Resident of village- Bhitihra, P.S- Itarhi, Distt- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhilesh Kr Pandey, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-04-2025 After some arguments, learned counsel for the petitioner seeks permission to withdraw this application with respect to petitioner no.1, namely, Raja Choudhary @ Rajaram Choudhary with a liberty to the petitioner to surrender before the learned Court below within a period of four weeks from today and seek regular bail.

2. Permission is accorded.

3. Accordingly, the bail application with respect to



petitioner no.1, namely, Raja Choudhary @ Rajaram Choudhary stands dismissed as withdrawn with the liberty that the petitioner surrender and seek regular bail before the learned Court below, the same shall be considered on the same day on its own merit in accordance with law and without being prejudiced by any observation in the present order.

4. Heard Mr. Akhilesh Kr Pandey, learned counsel for the petitioners and Ms. Pushpa Sinha.1, learned Additional Public Prosecutor for the State.

5. The petitioners are apprehending their arrest in connection with Itarhi P.S. Case No. 137 of 2024, F.I.R. dated 10.07.2024 for the offences punishable under Sections 147, 149, 341, 323, 308, 379, 504, 506 of Indian Penal Code.

6. As per the First Information Report, the informant alleged that the petitioners assaulted the informant and his brothers by means of *lathi* and *gada* and snatched golden chain worth Rs. 50,000/- from one Awadh Bihari.

7. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. Due to admitted land dispute the present occurrence has taken place and there is case and counter case between the parties. Although there is specific allegation of



assault against petitioner no 2. over Jagadish Choudhary but his injury report suggest that injury is simple in nature and apart from that other persons also received injury and injury report of the injured persons suggest that injury is simple in nature.

7. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner nos. 2,5 and 6 carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph-3 of the bail application that they are on bail in the pending matter and petitioner nos. 3,4,7,8 have clean antecedent.

6. Considering the aforesaid facts and circumstances, the injury is simple in nature and there is case and counter case and petitioners nos. 3,4,7,8 have clean antecedent, let the petitioner nos. 2 to 8, 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 Judicial Magistrate 1st Class, Buxar in connection with Itarhi P.S. Case No. 137 of 2024, 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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