

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29920 of 2014

Arising Out of PS.Case No. -276 Year- 2013 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

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1. Parma Choudhary, Son of Vikrama Choudhary
2. Shiv Choudhary, Son of Vikrama Choudhary
3. Bashist Choudhary, Son of Vikrama Choudhary
All are residents of Villag- Khaira Tola, Police Station- Nautan, District-
West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sewak Choudhary, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 16-01-2015 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners, apprehending their arrest in connection
with Nautan Police Station Case No. 276 of 2013 registered for
the offences punishable under Sections 341, 323, 324, 325, 436,
447, 504/34 of the Indian Penal Code, seek the privilege of pre-
arrest bail.

Allegedly, the petitioners and others having armed with
Lathi, Bhala Gandasa, were making construction of a hut in the
informant's passage with a view to close the passage of the
informant and on protest, the petitioner no. 2 gave a Gandasa blow

to the informant causing injury on his head and when the informant's father and brother came, petitioner no. 1 assaulted the informant's father Janak Choudhary by Farsa and caused injury on his head and the petitioner no. 3 assaulted the informant's brother with an iron rod and caused fracture of his arm and at the instigation of the petitioner no. 2, petitioner no. 1 set fire in the informant's house.

Submission is that there is a case and counter case and in the counter case the accused persons have been allowed pre-arrest bail vide order dated 19.03.2014 in Cr. Misc. No. 3084 of 2014 passed by another Bench of this Court. There is land dispute and to take possession over Gairmazarua land, occurrence has taken place. The injuries caused to the informant and his men are simple in nature save and except the fracture and as such, the petitioners deserve sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering that against the petitioner no. 1 there is allegation for burning the hut and further against the petitioners there is a specific allegation for causing injury on the head and as such, this Court is not persuaded to grant the privilege of pre-arrest bail to the petitioners and they are directed to surrender and prefer regular

bail before the court below where their prayer for regular bail shall be considered without being prejudiced by this order and, accordingly, the prayer for pre-arrest bail of the petitioners stands rejected.

(Jitendra Mohan Sharma, J.)

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