

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32100 of 2014

Arising Out of PS.Case No. -347 Year- 2013 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Akhilesh Chaudhur S/o Late Amir Chaudhur
 2. Sanjay Chaudhur S/o Raj Kishore Chaudhur
 3. Raj Kishore Chaudhur S/o Late Amir Chaudhur
 4. Brajesh Chaudhur S/o Madhukar Chaudhur
 5. Binit Chaudhur S/o Lalan Chaudhur
 6. Awadh Chaudhur @ Awadhesh Chaudhur S/o Late Amir Chaudhur
 7. Ratnesh Singh S/o Yogendra Singh All of village - Taraniya, P.S. Chakia, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap
For the Opposite Party/s : Mr. Ambika Bhagat(Spl.P.P.)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 07-04-2015 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Chakia P.S. Case No. 347 of 2013 registered for the offences punishable under Sections 448, 341, 323, 307, 379, 504/34 of the Indian Penal Code and Section 3(I) (X) (XI) of S.C./S.T. (Prevention of Atrocities) Act.

The accusation against the petitioners is that they entered into the house of the informant, uttered her caste name and assaulted her by means of different weapons causing injury to her.



In para-22 of the case diary, the investigating officer has incorporated the contents of injury report and it has been mentioned in para-22 of the case diary that informant sustained one injury on her occipital region and another injury on her hand. The doctor has found the injury no. 2 fracture of hand but opined that both the injuries of injured were simple in nature caused by hard and blunt substance.

There is case and counter case between the parties and petitioner no. 4 is said to have sustained injury in the counter case i.e. Chakia P.S. Case No. 349 of 2013.

Considering the aforesaid facts and circumstances as well as submissions of the parties, **it is ordered that petitioners no. 1, 3, 4, 5, 6 and 7, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran at Motihari in Chakia P.S. Case No. 347 of 2013 subject to condition as laid down under Section 438(2) of the Cr.P.C.**

So far as petitioner no. 2, namely, Sanjay Chaudhur is concerned, his prayer for anticipatory bail stands

rejected.

However, if petitioner no. 2 surrenders before the concerned court within four weeks from today and seeks regular bail, the concerned court shall consider the regular bail application of the petitioner no. 2 on its own merit without being prejudiced by this rejection order keeping in mind the nature of injury sustained by the informant.

(Hemant Kumar Srivastava, J)

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