

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11860 of 2015

Arising Out of PS.Case No. -353 Year- 2014 Thana -FATEHPUR District- GAYA

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1. Gaya Chaudhary @ Gaya Lal Chaudhary Son of Bal Jeevan Chaudhary
 2. Manoj Chaudhary Son of Bal Jeevan Chaudhary
 3. Sanoj Chaudhary Son of Bal Jeevan Chaudhary
 4. Santosh Chaudhary Son of Brahmdeo Chaudhary
 All R/o Village Purani Rakshi, P.S Fatehpur, District Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Anil Kumar Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 30-04-2015

At the very outset, it is pointed out on behalf of the petitioners that petitioner no. 2, namely, Manoj Chaudhary, has already been arrested.

Accordingly, the prayer for anticipatory bail of petitioner no. 2, namely, Manoj Chaudhary, stands dismissed being infructuous.

Heard learned counsel for the rest petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Fatehpur P.S. Case No. 353 of 2014 registered for the offences punishable under Sections 341, 323, 325, 307, 504/34 of the

Indian Penal Code.

So far as remaining petitioners are concerned, there is accusation against them that they assaulted the informant, informant's father as well as informant's mother by means of lathi and danda as a result thereof, they became injured. Admittedly, there is counter case in which it is alleged that prosecution party assaulted the family members of the petitioners.

In course of investigation, the investigating officer collected the injury reports of injured persons of this case and mentioned the injury reports of the injured at paragraphs no. 27, 28 and 29 of the case diary. The injury of informant's father and mother were found simple in nature and so far as injury of the informant is concerned, the opinion regarding the nature of his injury was kept reserved and up till now, the investigating officer did not collect final opinion of the doctor. Moreover, the learned Sessions Judge has already observed in his impugned order dated 09.01.2015 passed in A.B.P. No. 52 of 2015 that if the injuries of the injured persons of this case are found to be simple in nature, the court below shall pass favourable order to the petitioners on the regular bail application.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition

stands disposed of with direction to rest petitioners to obey the order of learned Sessions Judge, Gaya and if the rest petitioners do so, the learned court below, namely, Sri P.K. Jha, Judicial Magistrate 1st Class, Gaya shall pass appropriate order in the light of observations given by the learned Sessions Judge, Gaya in the impugned order dated 09.01.2015 passed in A.B.P. No. 52 of 2015 on the day of surrender of the petitioners.

(Hemant Kumar Srivastava, J)

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