

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44772 of 2016

Arising Out of PS.Case No. -376 Year- 2015 Thana -PARWATTA District- KHAGARIA

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1. Niraj Chaudhary S/o Late Nitya Nand Chaudhary
2. Ankesh Chayudhary S/o Niraj Chaudhary, Both residents of Dumaria
Bujurg, P.S. Parbatta District- Khagaria.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Das, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 05-12-2016 Heard learned counsel for the petitioners as well as
learned Addl. Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Parbatta P.S. Case No.376 of 2015 for the offences registered
under section 307 and other minor Sections of the Indian Penal
Code and Section 27 of the Arms Act.

It is alleged that petitioner no.1 was making firing in air
in a marriage ceremony and the informant forbade to do so but
petitioner no.1 became furious and gave assault of butt of his rifle
causing head injury to the informant and so far as petitioner no.2 is
concerned, it is said that he gave dagger blow to the informant.
The impugned order of the court below goes to show that the



informant sustained two injuries, one injury was found on mid of head and another injury was found on left arm. First injury is said to have been caused by hard and blunt substance whereas second injury is said to have been caused by sharp cutting weapon. Both the injuries were found simple in nature.

Contention on behalf of the petitioners is that there is case and counter case between the parties and, as a matter of fact, petitioners and the prosecution party are agnates and due to petty reason, a quarrel took place between the parties and both parties assaulted each others.

Paragraph-3 of the petition goes to show that petitioners do not have any criminal antecedent.

The grievance of the petitioners is that no case under Section 307 of the I.P.C. is made out and so far as allegation of making firing in air is concerned, the same has been inserted in this case with a view to make the allegation graver.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let petitioners above named, in the event of arrest/ surrender within six weeks from the date of receipt of this order to the concerned court, be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Additional Chief



Judicial Magistrate Ist, Khagaria in Parbatta P.S. Case no. 376 of
2015 subject to condition as laid down under section 438(2) of the
Cr.P.C.

(Hemant Kumar Srivastava, J)

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