

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40347 of 2016

Arising Out of PS.Case No. -42 Year- 2016 Thana -KARAHGAR District- SASARAM (ROHTAS)

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1. Daras Chaudhary @ Ram Darshan Chaudhary son of Ram Audan Chaudhary @ Ram Avadan Chaudhary
 2. Rajesh Chaudhary @ Rajesh Kumar son of Srinath Chaudhary
 3. Vijay Chaudhary @ Vijay Kumar @ Vijay Kumar Chaudhary son of Srinath Chaudhary. All residents of Village- Semari Dev, Police Station- Kargahar, District- Rohtas at Sasaram.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 14-12-2016 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with Kargahar P.S. Case No. 42 of 2016 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 436, 324, 307, 380, 504 and 506 of the Indian Penal Code and Sections 25A(1-B), 26, 27 and 35 of the Arms Act.

The prosecution case, as lodged by the informant, Haridwar Sah, is that petitioner along with Ram Audan Chaudhary and 15-20 persons came and one of the co-accused sprinkled kerosene oil and set the house of the informant on fire and



petitioner nos. 2 and 3 started indiscriminate firing and petitioner no.1 armed with rod entered into the house and took away cash of Rs. 30,000/- and also got injured the daughter of the informant.

It has been submitted by the learned counsel for the petitioners that they are innocent, have no criminal history and that petitioner nos. 2 and 3 are Block Teachers and petitioner no.1 is Panchayat Sewak. It has further been submitted that there is no allegation of assault or any indiscriminate act by the petitioners, as is evident from paragraph 12 of the case diary and that there is a land dispute as the nephew of the informant had sold one acre of land to the petitioners' side for which this false case has been instituted against them.

However, learned A.P.P. for the State submits that petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since there is a land dispute and the injury report reveals that the injuries caused on the informant's side are simple in nature except that of his daughter whose opinion is reserved, let the petitioners, named above, in the event of their arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) each with two



sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Rohtas at Sasaram in connection with Kargahar P.S. Case No. 42 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

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