

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43447 of 2015

Arising Out of PS.Case No. -520 Year- 2015 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

Dharamveer Choudhary, Son of Late Hari Narayan Choudhary, Resident of
Village/Mohalla - Hathsarganj, P.S. - Town Hajipur, Dist.- Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Anil Kumar, Advocate
For the Informant : Mr. Shrinandan Pd. Singh, Advocate
Mr. Ashok Kumar, Advocate
Mr. Surendra Pd. Singh, Advocate

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 10-02-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned APP for the State.

Petitioner apprehends arrest in connection with
Hajipur Town P.S. Case No. 520/15 for the offences alleged under
Sections 147, 148, 149, 341, 323, 324, 307, 354, 504, 379 and 448
of the Indian Penal Code.

Prosecution case, as alleged by the informant, is
that while she and her husband were sitting at her darwaza
Manohar Choudhary, Awadh Kishore Choudhary, Brahm Lochan
Choudhary, Prem Shankar Choudhary, Rajesh Kumar Choudhary,
Dharmveer Choudhary along with five unknown variously armed
with sickle, sword, iron-rod and country-made pistol came and



started abusing the informant and her husband. On protest Manohar Choudhary assaulted her husband by butt of the pistol and when informant came to save her husband petitioner gave sickle blow on the neck of the informant with intention to commit murder and remaining accused persons assaulted by fists and slaps and pulled the saree of the informant. When the son of the informant tried to save the informant Brahm Lochan Choudhary assaulted him by rod on his head. Prem Shankar Choudhary and Dharamveer Choudhary surrounded the son of the informant and assaulted with fists and slaps, thereafter all the accused persons entered the house of the informant and took away Rs. 25,000/- from below the bed and Rajesh Choudhary removed gold ornaments.

It has been submitted by the learned counsel for the petitioner that the allegations are false, the occurrence arises out of land dispute for which Title Suit No. 183/1993 is pending between the petitioner and the husband of the informant, who are full brothers. It has further been submitted that because of the land dispute one Veena Choudhary, wife of co-accused Rajesh Choudhary has lodged another case against the informant and his family members bearing Town P.S. Case No. 521 of 2015. The allegations, as made out by the informant, supports that there is

some land dispute between the parties who are own relatives and because of the land dispute are on inimical terms with each other.

Learned counsel for the informant, however, submits that there is direct allegation against the petitioner as the injury on the informant has been caused by the petitioner by a sharp weapon, although, the injury report shows that the injuries are simple in nature.

Learned APP for the State, however, draws my attention to Paragraph 36 of the case diary which also speaks about some land dispute between the petitioner side and the informant side.

Be that as it may, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Hajipur Town P.S. Case No. 520 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C. However, it is made clear that since the petitioner is accused in another case, as is evident from Paragraph 3 of this petition, if in future, the petitioner indulges in a case of similar nature the learned court below will be at liberty to

cancel the bail bond of the petitioner without being prejudiced
with this order.

(Nilu Agrawal, J.)

Rajesh/-

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