

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10167 of 2016

Arising Out of PS.Case No. -176 Year- 2014 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

1. Pravin Kumar @ Pathak Jee son of Ram Naresh Chaudhary Resident of
Village - Bidupur, P.S. - Bidupur, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kunal Tiwary

For the Opposite Party/s : Mr. Rana Randhir Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 15-03-2016 Petitioner being husband of the sister of the informant is languishing in custody since 15.12.2015 in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506, 498A, 379, 34 of the Indian Penal Code.

The prosecution case is that the sister of the informant was married with the petitioner. It is alleged that on 20.06.2014 in the morning the sister of the informant Neelam Devi informant to the informant that her husband is making an attempt to kill her by causing burn injury as kerosene oil was sprinkled on her body. The accused persons used to demand dowry of rupees four lacs. Consequently the informant went to the in-laws house of his sister when the accused persons closed the door but subsequently Ram Naresh Choudhary (father of the petitioner) came out of the house and resorted to



fire in the air. The petitioner assaulted with sword to the informant, Navin Choudhary(brother of the petitioner) assaulted with the butt of the pistol, Arvind Choudhary(brother of the petitioner) assaulted with sword to the elder brother of the informant Milan Rai, Suresh Choudhary(brother of the petitioner) snatched gold chain worth Rs. 30,000/- and Dipu Choudhary and Vikash Choudhary pelted stones on the informant's side.

It is submitted by learned counsel for the petitioner that in fact the informant's sides were the aggressor. They attacked on the petitioner's side. It is further submitted that only one injury has been found on the person of informant though grievous in nature but the genuineness of the injury report was questioned at the very initial stage when the petitioner filed a protest petition before the District Magistrate. There is counter version of the occurrence and petitioner's side also received injuries. The petitioner has also filed Matrimonial Suit No. 143 of 2012 with a prayer for the dissolution of marriage at earlier point of time.

Considering the fact that the occurrence took place at the house of the petitioner when several persons from the informant's side went there to protest against the torture of the sister of the informant, there being counter version of the occurrence, the matrimonial suit filed by the petitioner at earlier point of time and the investigation has already been

concluded, let the petitioner, above named, 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, Hajipur in connection with Bidupur P.S. Case No. 176 of 2014.

(Dinesh Kumar Singh, J)

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