

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 21537 of 2016

Arising out of P.S. Case No. -10 Year- 2016 Thana -KASMA

District- AURANGABAD

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1. Kamal Choudhary , S/o Late Bipat Choudhary.
2. Dharamdeo Choudhary, S/o Late Bipat Choudhary.
3. Uday Choudhary, S/o Dharamdeo Choudhary.
4. Mithilesh Choudhary, S/o Dharamdeo Choudhary.
5. Ajit Choudhary, S/o Karmu Choudhary All R/o Vill Bakshi
Bigha, P.S. Kasma, District- Aurangabad..... Petitioner/s
Versus
The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.

For the Opposite Party/s: Mr. Suman Kumari Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

03. 22.07.2016

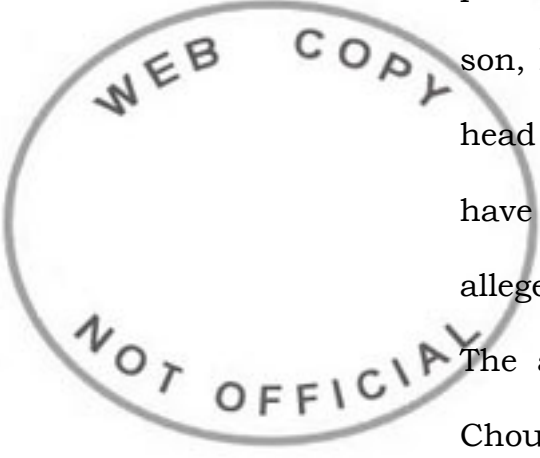
Learned counsel for the petitioners submits that the petitioner Nos. 3 and 5 namely Uday Chaudhary and Ajit Choudhary have already been arrested and, therefore, the anticipatory bail application on their behalf has become infructuous.

Accordingly, the application is dismissed as withdrawn with regard to petitioners No. 3 and 5.

Heard both sides.

The Petitioners apprehend their arrest in Kasma P.S. Case No. 10 of 2016 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 504, 427, 448 and 307 of the Indian Penal Code.

The petitioner No. 1, Kamal Choudhary, is alleged to have assaulted the Informant with lathi and sickle causing



one head injury. Ranjit Choudhary and Ajit Choudhary, petitioner No. 5 are alleged to have assaulted the informant's son, Lavkesh with lathi and "Gandasa" causing injury on his head and leg. Uday Choudhary, petitioner No. 3 is alleged to have assaulted Nirmala Devi. Dharamdeo Choudhary is alleged to have assaulted Rinki Devi with sickle on her palm. The anticipatory bail application of petitioner No. 3, Uday Choudhary and petitioner No. 5, Ajit Choudhary has been dismissed as withdrawn.

Learned counsel for the petitioners submits that Kamal Choudhary is said to have assaulted the Informant but the Informant got simple injury. The son of the Informant has been assaulted by the members of the "Barat" on the eve of the marriage ceremony of the daughter of Dharamdeo Choudhary. It is further submitted that in paras 9, 11 and 12 it is categorically stated that Dharamdeo Choudhary was engaged in arrangement of the marriage of his daughter and he did not take part in assault but it appears that the Informant and other witnesses have made specific allegation that the petitioner No. 1, Kamal Choudhary assaulted the informant with lathi and sickle. Dharamdeo Choudhary assaulted Rinki Devi with sickle on her palm. Rinki Devi got grievous injury and Informant got simple injury. There is no allegation of assault against the petitioner No. 4, Mithilesh Choudhary.

Considering the facts aforesaid, the Petitioners No. 1 and 4 namely Kamal Choudhary and Mithilesh Choudhary, in the event of their arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Kasma P.S. Case No. 10 of 2016 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as the petitioner No. 2, Dharamdeo Choudhary is concerned, he is alleged to have assaulted Rinki Devi with sickle on her palm and the blow caused grievous injury, I am not inclined to enlarge him on anticipatory bail. His prayer for anticipatory bail is rejected.

(Prabhat Kumar Jha, J.)

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