

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8017 of 2016

Arising Out of PS.Case No. -138 Year- 2015 Thana -NARDIGANJ District- NAWADA

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1. Tulsi Chaudhary
 2. Mahabir Chaudhary
 3. Bhushan Chaudhary All sons of Ramji Chaudhary
 4. Boda Chaudhary S/o Chotu Chaudhary, All Residents of village-Madhuban, P.S.- Nardiganj, District- Nawada

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma, Advocate
For the Opposite Party/s : Mr. Akbar Ali(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-02-2016 Heard learned counsel for the petitioners and learned
A. P.P. for the State.

Petitioners apprehend their arrest in connection with
Nardiganj P.S. Case No. 138 of 2015 registered for offences
punishable under Sections 307, 379 and other allied sections of the
Indian Penal Code.

The prosecution case, in brief, is that on 07.10.2015 at
about 6:00 P.M., accused Mahabir Chaudhary came to the door of
informant and started abusing him and when informant protested,
the said accused called his other family members and thereafter all
the accused persons started abusing the informant. Accused
Mahabir Chaudhary assaulted the informant by farsa on his head



due to which the informant received injury on his head and fell down on the ground. Thereafter, when the informant's wife, Sunaina Devi and his son, Jatan Chaudhary tried to intervene and save the informant, all the accused persons assaulted them. Accused Tulsi Chaudhary took out Rs. 500/- from the pocket of the informant. While fleeing away, accused Chandan Chaudhary set ablaze the house of the informant. Genesis of occurrence is demand of dues money of Rs. 500/- by the accused, Mahabir Chaudhary which was taken by the informant from one Basant Manjhi.

It has been submitted by the counsel for the petitioners that petitioners are innocent and have been falsely implicated in the present occurrence. It has been further submitted that all the petitioners bear no criminal history, as is evident from paragraph 3 of this petition. Counsel for the petitioners further contents that petitioners and the informant side being co-villagers are on inimical terms with each other for which petitioner no.2 has lodged Nardiganj P.S. Case No. 136 of 2015 against the informant and others for an occurrence which took place prior to this incident. Furthermore, learned counsel for the petitioners submits that both the parties have received injuries and the injuries on the informant and his wife have been found to be simple in nature.

However, learned A.P.P. appearing for the State submits that the petitioners are named in the First Information Report.

Be that as it may, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawadah in connection with Nardiganj P.S. Case No. 138 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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