

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51622 of 2017

Arising Out of PS. Case No.-130 Year-2017 Thana- MAUZAHDIPUR District- Bhagalpur

1. Sangita Devi, Wife of Sunil Choudhary
 2. Rajiv Kumar Choudhary @ Rajiv Choudhary, Son of Gyandeo Choudhary
 3. Gyandeo Choudhary, Son of Late Shiv Shankar Choudhary
 4. Karu Choudhary, Son of Late Sukhraj Choudhary
- All are Resident of village- Mirtujachak (Warshaliganj), P.S.-
Mojahidpur (Babarganj), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.

For the Opposite Party/s : SRI ASHOK KUMAR SINGH- 1, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-11-2017 Heard learned Counsel appearing on behalf of the
petitioners and learned APP for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 341/323/448/307/34
of the Indian Penal Code.

The prosecution case got initiated with the Fardbeyan of
Ramawatar Sharma, to the effect that on 09.05.2017, five
persons including the petitioners, entered into the house of the
informant armed with lathi, danda, pistol and asked him to
withdraw the case pending against the accused persons,
whereupon, the petitioner no.3, Gyandeo Choudhary, assaulted
with dagger on the head of the informant. Co-accused Hiranman



Chaudhary(non-petitioner) assaulted with rod on the left side of the abdomen and head of the informant and thereafter all the accused persons assaulted the informant. It is also alleged that petitioner no.2, Rajiv Kumar Chaudhary and co-accused, Hiranman Chaudhary (non-petitioner), both were giving life threat to the informant.

It is submitted by learned Counsel appearing on behalf of the petitioners that for the occurrence of 09.05.2017, the Fardbeyan was recorded on 12.05.2017, while the FIR was registered on 31.05.2017. The injury report of the informant suggests only one injury caused by hard and blunt substance. There is counter version of the occurrence also being Mojahidpur P.S. Case No. 95 of 2017, levelling accusation under sections 341, 323, 504, 324, 307, 376, 34 of the Indian Penal Code and sections 3(1) (x) (xi) and 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act). A statement has been made in paragraph no.3 of the petition that the petitioners have no criminal antecedent.

It is submitted by learned APP appearing on behalf of the State that there is specific accusation of causing dagger injury against petitioner no.3.

Considering the fact that accusation is not being



corroborated by the medical opinion so far as making assault by petitioner no.3 is concerned, as he alleged to have assaulted with dagger, though injury to the informant has been opined to be caused by hard and blunt substance, which has been alleged against co-accused Hiranman Chaudhary (non-petitioner) coupled with the fact that a statement has been made in paragraph no.3 of the petition that the petitioners have no criminal antecedent and there is counter version of the occurrence also, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Bhagalpur, in connection with Mojahidpur (Babarganj) P.S. Case No. 130/2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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