

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37176 of 2018**

Arising Out of PS.Case No. -39 Year- 2018 Thana -MADHUBAN District-  
EASTCHAMPARAN(MOTIHARI)

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Vijay Choudhary, S/o Late Ram Chandra Choudhary, R/o Vill.- Saraiya,  
P.S.- Madhuban, District- East Champaran.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Mr. Sri Zainul Abedin, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN**  
**PRASAD**  
ORAL ORDER

2      28-06-2018      Heard learned counsel for the petitioner and learned APP  
for the State.

The petitioner, in the present case, is seeking regular bail in connection with Madhuban P.S. Case No.39 of 2018, registered for offences alleged under Sections 147, 148, 149, 341, 323, 324, 307, 188, 353, 333, 427, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the First Information Report while the police force had gone to raid the shop in question where allegedly 2000 liters of toddy were kept, all the F.I.R named accused persons lashed with Lathi, Bhala and Farsa assembled there, created hindrance in the police work and it is alleged that the co-accused Dharmendra Choudhary had



assaulted the SAP constable Panna Lal Yadav on his head, however the allegation against the petitioner is not of assaulting Panna Lal Yadav rather he had been implicated by alleging that when the SAP constable Sunil Kumar went to save the said injured, he was assaulted by Bhala blow given by this petitioner which hit his hand and he became injured. It is the submission of the learned counsel for the petitioner that the petitioner is in custody since 21.04.2018, he has no criminal antecedent and that he has been falsely implicated amongst the twenty one named accused persons. It is further submitted that there is no allegation of repetition of blow and the injury has been allegedly caused on the hand which is a non-vital part of the body.

Learned APP for the State is present and has opposed the application for bail.

Considering the facts and circumstances of the case whereunder the allegation against the petitioner is that of assaulting Sunil Kumar on his hand, however there is no allegation of repetition of assault and that the petitioner having no criminal antecedent and is in custody for more than two months, I would direct release of the petitioner on bail. Let the petitioner, above named, be enlarged on bail on his furnishing bail bond of Rs.15,000/- (fifteen thousand) with two sureties of the like amount



each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Motihari, East Champaran, in connection with Madhubani P.S. Case No. 39 of 2018, subject to the conditions U/S 437(3) Cr.P.C.

Arvind/R.R.Ojha

**(Rajeev Ranjan Prasad, J)**

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