

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43622 of 2018

Arising Out of PS.Case No. -51 Year- 2015 Thana -GOPALPUR District- BHAGALPUR

- =====
1. Raj Kumar Chaudhary, Son of Sri Saryug Chaudhary
 2. Mandodari Devi, Wife of Raj Kumar Chaudhary
- Both are Resident At Bheem Das Tola, P.S. – Gopalpur (Rangra),
District – Bhagalpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pramod Kumar Thakur, Adv.
For the Opposite Party : Mr. Awadhesh Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 20-07-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307 and 504/34 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Nachhatra Chaudhary dated 28.03.2015 recorded by A.S.I. Birendra Kumar Mishra on 28.03.2015 at 8.00 P.M. at PHC, Rangra Chowk, is to the effect that on 28.03.2015 at 5.00 P.M. the informant was providing water to his cow, when the petitioners along with Rupa Kumari and Rinki Kumari came and the asked to vacate the land as they are claiming land in question



and started assaulting. It is alleged against the petitioner no. 1, Raj Kumar Chaudhary that he assaulted with Khanti on the head of the informant causing bleeding injury, when the wife of the informant, Asha Devi came to rescue then petitioner no. 2, Mandodari Devi assaulted with spade causing injury on her head. Rupa Kumari and Rinki Kumari also made assault to the wife of the informant, when the informant came to rescue his wife, petitioner no. 1, Raj Kumar Chaudhary assaulted with Khanti on the eye of the informant.

It is submitted by learned counsel for the petitioners that the petitioners are agnate of the informant. The injuries have been quoted in the impugned order, which suggest that the injuries have been found superficial, marginal size, simple in nature. There is a counter version of the occurrence also and though, the FIR was lodged on 28.03.2015 but it reached to the Court of learned ACJM on 30.03.2015 which suggests that the FIR has been registered by antedating. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP, however, submits that the accusation is specific against the petitioners in the FIR.



Considering the fact that the impugned order suggests that the accusation against the daughters of the petitioners has been found false during investigation, the genesis of occurrence being land dispute and the injury has been found to be simple coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Naugachia, Bhagalpur in connection with Gopalpur (Rangra) P.S. Case No. 51 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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