

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69053 of 2018

Arising Out of PS. Case No.-85 Year-2018 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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1. Ramashish Chaudhary, S/o Late Jumman Chaudhary.
 2. Rajaram Chaudhary.
 3. Uday Chaudhary. Both 2 & 3 are S/o Ramashish Choudhary. All R/o Village-Lakhnu Bigha,P.S. Asthawan,Distt.-Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Raj Kishor Prasad, Advocate.
For the Opposite Party : Mr. Mukeshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-11-2018 A supplementary affidavit has been filed on behalf of
petitioners. Let it be kept on record.

Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of petitioner no. 2 Rajaram Chaudhary as he has already been taken into judicial custody in connection with Shekhopursarai P.S. Case No. 85 of 2018, pending in the court of learned C.J.M. Sheikhpura.

Permission is accorded.

The anticipatory bail application on behalf of petitioner no. 2 Rajaram Chaudhary is dismissed as withdrawn.

Heard learned counsel for the petitioner nos. 1 and 3



and learned A.P.P. for the State.

The petitioner nos. 1 and 3 are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 323, 324, 307 and 504 of the IPC.

The prosecution story, in brief, is that the informant's brother called Pinku Mistry to make his *Generator* but on the arrival of *Mistry* his neighbour bring him(Mistry) for repairing his *Generator* and on protest by his brother, petitioner no. 1 Ramashish Chaudhary started abusing and petitioners and others came at his door with weapons and caught his brother Vijay Kumar and co-accused Jitendra Kumar dumped him on earth and accused Baljit Kumar assaulted badly his brother with *Hasuli* on the neck and head with intention to kill him. When he went to rescue his brother, petitioners assaulted him with *Balaitha* and rod on his shoulder, due to which, he sustained injury and with the help of neighbors, his brother was brought to *Shekhopursarai Hospital*, from where he was referred to Sadar Hospital, Sheikhpura and after that he was admitted in Bihar Sharif.

It has been submitted by learned counsel for the petitioner nos. 1 and 3 that they have got no criminal antecedent. There is no allegation of tampering with the



witnesses alleged against them. They have falsely been implicated in the present case. Nature of injury is said to be simple. No offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.

On behalf of the learned counsel for the State, it has been submitted that the petitioner nos. 1 and 3 are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner nos. 1 and 3 (except petitioner no. 2 Rajaram Chaudhary) above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory 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 C.J.M. Sheikhpura, in connection with Shekhopursarai P.S. Case No. 85 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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