

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1806 of 2018

Arising Out of PS. Case No.-169 Year-2017 Thana- BARUN District- Aurangabad

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1. Golu Kumar @ Sonu, Son of Late Lalan Chaudhary,
 2. Vishal Kumar,
 3. Vinay Kumar,
 - Both Son of Sunil Chaudhary.
 4. Sunil Chaudhary, Son of Late Ram Prasad Chaudhary,
 - Petitioner Nos. 1 to 4 are Resident of Village- Khemda, P.S.- Barun, District- Aurangabad.
 5. Laxman Chaudhary,
 6. Sanjay Chaudhary,
 - Both are Son of Bhola Chaudhary and both are Resident of Village + P.S.- Dehri on Sone, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Adv.

For the Opposite Party/s : Mr. PAWAN KUMAR CHAURASIYA, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2018 Heard learned Counsels for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections
147/148/149/341/323/324/307/379/506 of the Indian Penal
Code.

The prosecution case as per the written report of informant
Vijay Kumar Gupta submitted to the Station House Officer,
Barun Police Station is to the effect that on 08.10.2017, while
the informant was getting his house constructed, the accused



persons named in the FIR and 15 unknown attacked on the prosecution party causing injuries to the informant, his son and brother.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of land dispute. The accusation is omnibus and general. There is counter version of the occurrence also being Complaint Case No. 898 of 2017 filed with accusation under Sections 147, 148, 149, 341, 323, 354, 380, 452, 504 of the Indian Penal Code and 27 of the Arms Act, which was claimed to be registered as police case, though the number of police case has not been mentioned in the application. The injuries of all the three injured appears to be simple in nature. However, opinion with regard to some of the injuries has been kept pending. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that accusation of assault is against these petitioners also.

Considering the nature of accusation in the background of land dispute and the nature of injury as submitted by learned Counsel for the petitioners, which is simple in nature and the same has not been discussed by the learned Sessions Judge,



coupled with statement made in paragraph no.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 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, Aurangabad, in connection with Barun P.S. Case No. 169 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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