

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1758 of 2018

Arising Out of PS. Case No.-163 Year-2017 Thana- BIDUPUR District- Vaishali

RAJESH KUMAR @ RAJESH CHOUDHARY, Son of Brijnandan Choudhari, resident of Village- Majhauri, P.S.- Bidupur, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. SRI SANJAY KUMAR TIWARY 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-01-2018 Heard learned counsel for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 341,323,307,504 and 506/34 of the IPC.

The prosecution case as per written report of Mishri Lal Choudhary dated 31.5.2017 is to the effect that on the same day while the informant was repairing his roof , the informant's neighbour Brijnandan Choudhary, Rajesh Choudhary (petitioner) and Indrajeet Choudhary came variously armed with weapon and started abusing and restrained the informant from repairing the roof. On protest being made, co-accused Brijnandan ordered to kill the informant, thereupon, the petitioner and co accused Indrajeet Choudhary armed with iron rod and lathi, respectively, started assaulting the informant



causing head injury. Thereafter, the son of the informant brought him to hospital.

It is submitted by learned counsel for the petitioner that the accusation has been levelled in the background of serious land dispute wherein a proceeding under section 145 Cr.P.C. was also initiated. It is further submitted that the accusation of assault to the informant is against the petitioner and co accused Indrajeet Choudhary with iron rod and lathi, but the impugned order does not reflect that the informant received any grievous injury. There is counter version of the occurrence being Bidupur P.S. Case No. 168 of 2017 under sections 341,323,307,379,354 and 504/34 of the IPC wherein three persons have received grievous injury. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Considering the fact that accusation has been levelled in the background of land dispute between the parties and there is counter version of the occurrence where the petitioner side received injury, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Vaishali at Hajipur in connection with



Bidupur P.S. Case No.163 of 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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