

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14727 of 2018

Arising Out of P.S.Case No. -259 Year- 2017 Thana -SIRDALA District- NAWADA

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Ajay Choudhary S/o Rejendra Choudhary, R/o Village- Ismailpur, P.S.-
Sirdalla, District- Nawadah.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Md. Rafi Ahmad, Advocate

For the Opposite Party : Mr. Shantanu Kumar, APP

For the Informant : Mr. Birendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 03-05-2018 Heard learned counsel for the petitioner, learned counsel
for the APP as well as the informant.

The petitioner apprehends arrest in connection with
Sirdalla P.S.Case No.259 of 2017 registered under Section 302
and other allied sections of the IPC.

Learned counsel for the petitioner submits that the
occurrence of assault took place on account of land dispute. The
allegation of assault is omnibus and there is no specific allegation
against the petitioner. The other co-accused, namely, Ajay
Choudhary, and Usha Devi assaulted the deceased by *fasuli*
causing injury on his head. Out of them, one Kuldeep Chaudhary
has been allowed anticipatory bail by one of the coordinate Bench
of this Court in Cr.Misc.No.16421 of 2018. This petitioner
allegedly assaulted Umesh Chaudhary on his head by *fasuli*. The
injury report which is copied at para-30 of the case diary shows



that the injured Umesh Choudhary sustained simple injury caused by hard and blunt substance.

The learned APP opposed the submissions.

Considering the nature of allegation facts and circumstances, prayer for anticipatory bail is allowed. Let the above named petitioner in the event of his arrest or surrender before the court below within six weeks from today be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Subir Kumar, ACJM-V, Nawadah in connection with Sirdalla P.S.Case No.259 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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