

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.65467 of 2018

Arising Out of PS.Case No. -54 Year- 2018 Thana -BIRAUL District- DARBHANGA

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1. Rahul Choudhary.
 2. Dharvindar Choudhary @ Dharmendra Choudhary. Both Nos. 1 and 2 are sons of Fulo Choudhary.
 3. Fulo Choudhary, S/O Brihaspati Choudhary.
 4. Suresh Choudhary, S/O Brihaspati Choudhary.
 5. Uday Chandra Choudhary.
 6. Baidyanath Choudhary @ Baidhnath Choudhary. Both Nos. 5 and 6 are sons of Dhanik Choudhary.
 7. Sahdev Choudhary @ Satydev Choudhary, S/O Baidyanath Choudhary.
 8. Chhedi Choudhary, S/O Adhik Choudhary.
 9. Ankit Kumar Choudhary @ Ankit Choudhary.
 10. Ajeet Kumar Choudhary @ Ajeet Choudhary. Both nos. 9 and 10 are sons of Chhedi Choudhary. All nos. 1 to 10 are residents of village-Parasarama, P.S. Biroul, District-Darbhang.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ashok Kumar Prasad, Advocate.
For the Opposite Party : Smt. Sucheta Yadav, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-10-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 341, 323, 504, 354 and
307/34 of the IPC.

The prosecution story, in brief, is that on 21.02.2018
at about 11.00 o'clock, while the informant was taking water in
Bucket from Government Hand Pump, Rahul Choudhary



(petitioner no. 1) and Dharmendra Choudhary (petitioner no. 2) came there and started taking water after removing her *Bucket*. On hulla, her husband and family members came there but they outraged her modesty, abused and assaulted her. After that, she fell down on the earth. When her husband and son protested them, petitioner no. 3 Fulo Choudhary armed with *Farsa*, Suresh Choudhary (petitioner no. 4) armed with Iron rod, petitioner nos. 5 to 10 armed with *Farsa, Lathi-Danda, Bhala* and *rod* came there. Petitioner no. 3 Fulo Chaudhary assaulted her husband by *Farsa* on head and her husband fell down, then all accused persons assaulted him with *Lathi, Danda* and fists and slaps. Suresh Choudhary (petitioner no. 4) also assaulted her by *Iron rod* and others assaulted her with *Lathi, Danda*, fists and slaps and also caught her hair and her son was also assaulted. Thereafter, the injured were admitted in hospital.

It has been submitted by learned counsel for the petitioners that the petitioner nos. 1, 2, 3, 7, 9 and 10 have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is case and counter case between the parties. Petitioner no. 3 Fulo Choudhary is alleged to have caused injury with *Farsa* upon the head of the



husband of the informant. The said injury is said to be grievous in nature. Rests of the injuries are said to be simple in nature.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R. The injury caused by petitioner no. 3 (Fulo Chaudhary) upon the husband of the informant is grievous in nature.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to petitioner no. 3 (Fulo Choudhary). The same is rejected in connection with Biroul P.S. Case No. 54 of 2018, G.R. No. 112/2018, pending in the court of learned A.C.J.M. Biroul, Darbhanga. Anyhow, if the petitioner no. 3 Fulo Choudhary surrenders and prays for regular bail in the learned court below, the same shall be considered on its own merit without being prejudiced by this order of the Court.

Let rest of the petitioners (except petitioner no. 3 Fulo Choudhary) in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory each 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 A.C.J.M. Biroul, Darbhanga, in connection with Biroul P.S. Case No. 54 of 2018, G.R. No. 112 of 2018, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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