

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43684 of 2018

Arising Out of PS. Case No.-52 Year-2018 Thana- JAMUI District- Jamui

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1. Naresh Chaudhary, Son of Jitan Chaudhary
 2. Sarla Chaudhary@ Sarla Devi, W/o Naresh Chaudhary
 3. Anjan Kumar@ Ajna Chaudhary@ Anajn Chaudhary@ Anjan Chaudhary, S/o Naresh Chaudhary
- All resident of Village Harla, P.S. & Distt. Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-07-2018 Heard learned Counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections
323/341/354/379/504/506 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of
Rohit Chaudhri, recorded by Tribhuwan Sharma, A.S.I. of Jamui
Police Station on 03.02.2018 at 03.10 A.M. at Emergency Ward,
Sadar Hospital, Jamui to the effect that in the background of
dispute with regard to construction of overhang of the window
while constructing the house under the Indira Aawas Scheme, it
is alleged that on the order of petitioner no.1, Naresh
Chaudhary, petitioner no.3, Anjan Kumar assaulted on the head



of the informant with iron rod, causing injury on his forehead. Thereafter, petitioner no.1 and co-accused, Vicky Chaudhary, assaulted on the other part of the body of the informant with lathi. When wife of the informant came to rescue him, then petitioner no.3 after catching hold of the hair log of the wife of the informant, pushed her down and got her injured by assaulting with lathi. In course of the incident of assault, petitioner no.2 snatched a gold earring from the wife of the informant.

It is submitted by learned counsel for the petitioners that even assuming the accusation to be true only non-bailable offences are sections 379 and 354 of the I.P.C. The accusation under Section 354 of the I.P.C. is only against petitioner no.3. Even assuming the said accusation to be true no offence under Section 354 of the I.P.C. is made out. So far accusation alleged under Section 379 of the I.P.C, of snatching a gold earring is concerned, it is alleged against petitioner no.2, Sarla Chaudhary, which is more cosmetic in nature. It is further submitted that injuries have been found to be superficial, simple in nature. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur, learned APP for the



State that the accusation is specific against the petitioners in the FIR.

Considering the genesis of the occurrence, accusation being found superficial, simple in nature, 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, Jamui, in connection with Jamui P.S. Case No.52 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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