

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2039 of 2018

Arising Out of PS. Case No.-175 Year-2016 Thana- BUXAR INDUSTRIAL District- Buxar

Tinku Choubey S/o Sant Bilas Choubey, R/o Village- P.S.- Buxar Industrial,
District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parijat Saurav

For the Opposite Party/s : Mr. SRI AJIT KUMAR

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 147,148,149,341,323,324,307 and 302 of the IPC.

The prosecution case as per the fardbeyan of Arvind Kumar Choubey recorded on 18.10.2016 at 4 P.M. by the ASI Harendra Kumar, at Sadar Hospital, Buxar Emergency Ward, is to the effect that the father of the informant and his four brothers are at logger heads over 40 decimals of land. Proceedings under section 144 and 107 of the Cr.P.C. are also pending with regard to the land in dispute. It is alleged that on 18.10.2016, Hira lal Choubey attempted to plough the disputed land. On protest being made by the father of the informant, 11 accused persons started abusing and making assault. Father of the informant was assaulted by Hira lal Choubey, Vijay Choubey, Sanjay Choubey,



Ajay Choubey. Subsequently, the father of the informant succumbed to the injury. On conclusion of investigation the petitioner was not sent up for trial but differing with the final form, cognizance was taken. Hence, the present anticipatory bail application.

It is submitted by learned counsel for the petitioner that the accusation of assault is not specific against the petitioner. The accusation has been levelled in the background of land dispute and the entire agnates have been named in the FIR. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the learned Magistrate took cognizance after finding prima facie case after differing with the final form.

Considering the fact that there is no specific accusation in the FIR against the petitioner and the petitioner was not sent up for trial coupled with statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, 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, Buxar in connection with Buxar Industrial
P.S. Case No.175 of 2016, subject to the conditions laid down
in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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