

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3869 of 2019

Arising Out of PS. Case No.-238 Year-2018 Thana- OBRA District- Aurangabad

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1. Binod Chaudhary @ Tan Chaudhary @ Tan, son of Mahesh Chaudhary Vill-Kharati Bigha, P.S-Obra, Distt.-Aurangabad.
 2. Mahesh Chaudhary, son of Lali Chaudhary Vill-Kharati Bigha, P.S-Obra, Distt.-Aurangabad.
 3. Pawan Chaudhary, son of Late Sudhan Chaudhary Vill-Kharati Bigha, P.S-Obra, Distt.-Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 28-01-2019 Heard the learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Obra P.S. Case No. 238 of 2018 dated 01.11.2018 instituted for the offences under Sections 307, 341, 323, 324, 504, 506 and 34 of the Indian Penal Code.

The informant has alleged that the petitioners and others came to her house and started abusing. On protest by her husband, the petitioner no. 1 is alleged to have, given a fasuli blow aiming at the neck of her husband, but the husband was hit in his hand for which he is stated to be under treatment.



Learned counsel for the petitioners has submitted that but for petitioner no. 1, no specific overt act has been attributed against the other petitioners.

So far as petitioner no. 1 is concerned, it has been submitted that though there is an allegation of assault by fasuli which is a sharp cutting weapon, the injuries suffered by the husband of the informant appears to have been caused by hard and blunt substance. Though the opinion regarding injuries on the person of the husband of the informant has been kept reserved but from bare perusal of the injury report, it appears that the injuries are not serious and not on vital part of the body. From the narration made in the FIR, it appears that the dispute lay somewhere else and because of some scuffle and minor injury, the petitioners have been made accused in this case.

Regard being had to the aforesaid facts as also taking into account the clean antecedents of the petitioners, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional



Judicial Magistrate, Daudnagar, Aurangabad in
connection with Obra P.S. Case No. 238 of 2018,
subject to the conditions as laid down under Section
438(2) Cr.P.C.

(Ashutosh Kumar, J)

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