

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21703 of 2019

Arising Out of PS. Case No.-334 Year-2018 Thana- TAJPUR District- Samastipur

1. Raushan Kumar @ Raushan Kumar Chaudhary, Son of Shailendra Chaudhary, Resident of Village - Jorpura, P.S.- Tajpur (Halai o.p.), Distt.- Samastipur.
2. Gulshan Kumar @ Gulshan Kumar Chaudhary, Son of Shailendra Chaudhary, Resident of Village - Jorpura, P.S.- Tajpur (Halai o.p.), Distt.- Samastipur.
3. Rajnish Kumar @ Rajnish Kumar Chaudhary, Son of Shailendra Chaudhary Resident of Village - Jorpura, P.S.- Tajpur (Halai o.p.), Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan

For the Opposite Party/s : Mr. Satyavrat Verma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-04-2019 Heard learned Counsels 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, 324, 341, 354, 379 and 504/34 of the Indian Penal Code.

The prosecution case is that on 17.09.2018 at 7.00 P.M., the informant was returning home along with her sister-in-law from Kauachak, in the meantime, as soon as they reached near Jodpura Panchayat, petitioner no.1, Raushan Kumar caught hold of her hand with bad intention, whereupon, sister-in-law of informant raised alarm and when the son of the informant came



to rescue, the petitioners assaulted her son, and when the husband of the informant came to their rescue, he was also assaulted by the petitioners. It is further alleged that the mobile phone and a chain of the son of the informant was snatched by the petitioners.

It is submitted by learned counsel for the petitioners that earlier Kumud Devi, mother of the petitioners lodged Tajpur (Halai) P.S. Case No.18 of 2019, though the same was registered on 19.01.2019 at 12.35 P.M., but the fardbeyan was recorded on 18.09.2018 at 2.00 P.M., in emergency ward of Alexia Hospital, as she was brutally assaulted by the informant's side. Thereafter, the present case was registered against the petitioner's side in order to save their skin on 19.09.2018 at 4.30 P.M. It is further submitted that the FIR does not suggest any person from the informant's side received grievous injuries and in the background of property dispute, the accusation has been levelled against the petitioners. A statement has been made in paragraph no. 3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the accusation is specific against the petitioners and they are named in the FIR.



Considering the fact that a case has been lodged by the petitioner's side against the informant's side, at an earlier point of time and impugned order does not suggest that any grievous injury has been caused to the informant's side, 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, Samastipur** in connection with **Tajpur (Halai) P.S. Case No . 334 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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