

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20041 of 2019

Arising Out of PS. Case No.-326 Year-2018 Thana- BAJPATTI District- Sitamarhi

1. RAJIV CHAUDHARY @ RAJIV KUMAR @ RAJEEV KUMAR, Son of Ramdayal Chaudhary, Resident of Village - Basaha, ward No. 10, P.S.- Bajpatti, District - Sitamarhi
2. Sujit Chaudhary @ Sujit Kumar @ Sanjeet Kumar, Son of Ramdayal Chaudhary, Resident of Village - Basaha, ward No. 10, P.S.- Bajpatti, District - Sitamarhi
3. Ramdayal Chaudhary, Son of Late Jagu Chaudhary, Resident of Village - Basaha, ward No. 10, P.S.- Bajpatti, District - Sitamarhi
4. Urmila Devi, Wife of Ramdayal Chaudhary, Resident of Village - Basaha, ward No. 10, P.S.- Bajpatti, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar

For the Opposite Party/s : Mr. Murli Dhar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-04-2019 Heard leaned 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 341, 323, 307, 354
and 379/34 of the Indian Penal Code.

The prosecution case as per the written report of



Kapal Chaudhary submitted to the S.H.O., Bajpatti P.S. is to the effect that on 09.11.2018 at about 04.00 P.M., the informant was sitting in his *verandah*, in the meantime, all the FIR named accused persons including the petitioners, came variously armed and started abusing the informant. On protest being made, co-accused, Sanjit Chaudhary assaulted the informant with *dabiya* on his head, causing bleeding injury. When the son of the informant, Vidya Sagar Chaudhary came to rescue, then petitioner no.1, Rajiv Chaudhary assaulted him with knife causing bleeding injury, as a result, the son of the informant fell down. Thereafter, the wife of the informant Jagtarini Devi came to rescue, then petitioner no.2, Sujit Chaudhary after catching hold of her hair, pushed her on the ground and took her saree off. It is further alleged that petitioner no.4, Urmila Devi snatched a gold chain from the neck of the wife of the informant.

It is submitted by learned counsel for the petitioners that petitioner no.3, Ramdayal Chaudhary and the informant are own brother and in the background of land dispute, the accusation has been levelled against the petitioners. It is further submitted that both sides have received injuries but the petitioners' side did not lodge any complaint against the informant side as the informant is own brother of petitioner



no.3, Ramdayal Chaudhary. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the petitioners are named in the FIR with specific accusation.

Considering the fact that the accusation being levelled in the background of land dispute and specific accusation of assault with *dabiya* on the head of the informant causing bleeding injury, is against the co-accused, Sanjit Choudhary, coupled with the 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 bail, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned **SDJM Pupri at Sitamarhi** in connection with **Bajpatti P.S. Case No.326 of 2018.**

(Dinesh Kumar Singh, J)

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