

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29895 of 2019

Arising Out of PS. Case No.-362 Year-2018 Thana- JOKIHAT District- Araria

1. PURANLAL CHOUDHARY Son of Late Bhadai Choudhary Resident of Village-Lalia, Police Station-Jokihat, District-Araria.
2. Raghuwa Choudhary Son of Santhu Choudhary Resident of Village-Lalia, Police Station-Jokihat, District-Araria.
3. Tinkauri Choudhary Son of Fohi Choudhary Resident of Village-Lalia, Police Station-Jokihat, District-Araria.
4. Chaitu Choudhary Son of Late Bokai Choudhary Resident of Village-Lalia, Police Station-Jokihat, District-Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 07-05-2019 Heard both sides.

The petitioners, four in numbers, apprehend their arrest in Jokihat P.S. case No. 362 of 2018 registered under Section 307 and other Sections of the IPC.

The informant named 12 persons, including the petitioners, and alleged that when the informant and others went to protest the ploughing the land of informant by the accused persons, Puranlal Choudhary, petitioner No.1, assaulted Maqbul with sword which hit on his head and nose. Raghuwa Choudhary, petitioner No.2, is alleged to have assaulted Ashraf



with Farsa on his head. Tinkauri Choudhary, petitioner No.3, assaulted Junab with Dabia on his head and Chaitu Choudhary, petitioner No.4, assaulted Moin with Farsa on his head.

The learned counsel for the petitioners submits that the occurrence took place on account of land dispute. Maqbul got two injuries one on forehead, which is simple in nature, and other on nose which is opined to be grievous in nature on account of fracture in nasal bone. It is further submitted that petitioner No.2 is said to have assaulted Ashraf with Farsa but Ashraf got one lacerated wound, which is simple in nature. Similarly, petitioner No.3 is said to have assaulted Junab with Dabia but Junab gotn one lacerated wound which is simple in nature. Petitioner No.4 assaulted Moin with Farsa but Moin also got one lacerated wound, which is simple in nature.

Taking into consideration the facts that the occurrence took place on account of land dispute and petitioners No. 2, 3 and 4 are alleged to have assaulted Ashraf, Junab and Moin, who got single lacerated wound, which are simple in nature, caused by hand and blunt object, the petitioners No. 2, 3 and 4, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be



enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. case No. 362 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far case of petitioner No.1, Puranlal Chodhary is concerned, he is alleged to have assaulted Maqbul with sword which hit on his forehead and nose and injuries on forehead and nose were found and injury on nose was opined to be grievous in nature on account of fracture of nasal bone, I am not inclined to enlarge the petitioner No.1 on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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