

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70490 of 2018

Arising Out of PS. Case No.-218 Year-2018 Thana- WAJIRGANJ District- Gaya

1. Ram Chandra Chaudhary,
2. Bhola Chaudhary, Both Sons of Late Puna Chaudhary, Both Resident of Village-Bichha, P.S. Wazirganj, District-Gaya.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ramashish

For the Opposite Party/s : Mr. Anuj Kumar Srivastava

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 14-03-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Wazirganj P.S. Case no. 218 of 2018, registered under Sections 147, 148, 149, 323, 324, 307 and 504 of the Indian Penal Code.

The accusation is that in the evening of 04.07.2018, nine accused persons named in the F.I.R., including the petitioners, having lathi, stick Fasuli etc. in their hands entered in the house of informant Renu Devi and started to abuse and caused injury to Birju Choudhary through Fasuli, who fell down and become unconscious. In the meantime, villagers rushed in rescue, then informant saw that there is



swelling in the hand of Dharmendra Choudhary and blood oozing injury was found in the hand of Uday Choudhary.

Learned counsel appearing for the petitioners submits that one lacerated wound 4"X1/2"X1/2" was found on the right shoulder and abrasion was found on the head size 1 1/2"X1" on the person of Birju Chaudhary, while the injury No.2 was observed as simple, but opinion regarding injury No.1 was kept reserved till availability of the X-ray report. Similarly, one injury i.e. swelling on arms and hand was found, but the opinion was kept reserved till X-ray report. In the case diary instead of detailing the injury of Uday Chaudhary, injury of Niraj Chaudhary has been detailed in paragraph No.31 in which out of two injuries, one injury of Niraj Chaudhary is said to be grievous in nature. Further submission is that while the petitioners are named in the F.I.R along with nine others with general allegation of causing injury, but no specific overt act has been alleged against the petitioners and the petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail



bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate-III, Gaya in connection with Wazirganj P.S. Case No. 218 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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