

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41641 of 2019

Arising Out of PS. Case No.-110 Year-2019 Thana- BARAULI District- Gopalganj

1. Birendra Chaudhary, son of Shiv Pujan Chaudhary Resident of Village- Kahla Ahir Toli, P.S.- Barauli, District- Gopalganj.
2. Bitu Yadav, son of Kailash Chaudhary Resident of Village- Kahla Ahir Toli, P.S.- Barauli, District- Gopalganj.
3. Sanjay Chaudhary @ Sanjay Yadav, son of Shiv Pujan Chaudhary Resident of Village- Kahla Ahir Toli, P.S.- Barauli, District- Gopalganj.
4. Kailsh Chaudhary, son of Bunni Lal Chaudhary Resident of Village- Kahla Ahir Toli, P.S.- Barauli, District- Gopalganj.
5. Naresh Chaudhary, son of Late Moti Lal Chaudhary Resident of Village- Kahla Ahir Toli, P.S.- Barauli, District- Gopalganj.
6. Sri Kishun Chaudhary, son of Late Moti Lal Chaudhary Resident of Village- Kahla Ahir Toli, P.S.- Barauli, District- Gopalganj.
7. Shiv Pujan Chaudhary, son of Late Moti Lal Chaudhary Resident of Village- Kahla Ahir Toli, P.S.- Barauli, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with
Barauli P.S. Case No.110 of 2019 for the offence punishable
under Sections 341, 323, 324, 307, 504, 379, 34 of the Indian
Penal Code.

The allegation against these petitioners is that they



tried to stop construction made by the side of the informant along with 10-15 unknown accused persons having armed with iron rod, knife etc and upon protest made by the informant, Anuj Kumar inflicted knife blow upon the chest of the informant and stomach repeatedly and other petitioners assaulted with iron rod on his head, as a result, he sustained injuries.

Learned counsel for the petitioners submits that both the parties are agnates and there is a land dispute between them being Title Suit No.382 of 2014 is pending relating to the land upon which the construction was being made by the informant. Learned counsel for the petitioners further submits that there is a case and counter case inasmuch as the side of petitioner, Petitioner No.5 is informant in Barauli P.S. Case No.109 of 2019 dated 06.04.2019 in which the prosecution side has been made accused and from the side of the petitioners, three persons are injured.

Learned counsel for the petitioners further submits that from perusal of the impugned order, it would transpire that the prosecution completely failed to bring any cogent material on record to connect the petitioners with this offence and his further submission is that the allegation against these petitioners is a counter blast to the earlier case lodged by petitioner No.5



After having heard learned counsel for the petitioner as well as learned counsel appearing for the State and taking into consideration the facts that the parties are agnates and there is land dispute between them and there is case and counter case between the parties and case lodged by the side of the petitioners was much prior in time and further from perusal of impugned order, it transpires that prosecution has failed to bring material on record from injury report, I am inclined to grant anticipatory bail to all these petitioners.

Accordingly, all these petitioners, named above, are directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XIV, Gopalganj, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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