

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68625 of 2018

Arising Out of PS. Case No.-403 Year-2018 Thana- MOHANIYA District- Bhabhua (Kaimur)

1. Sushil Kumar @ Dablu
2. Sahil Kumar @ Bablu @ Sahil Kumar Chaudhary
Both are son of Late Bhagwan Chaudhary Resident of Village-AwariMallah
TolaMohania,P.S. Mohania,Distt.-Kaimur,Bhabua
3. Soni Devi Wife of Situ Chaudhary
4. Golu Chaudhary son of Late Lallan Chaudhary
Both are residents of Village-Thana Chowk,Dehari,P.S.-Dehari,Distt.-
RohtasSasaram
5. Amit Chaudhary
6. Balama Chaudhary
Both are son of Sanjay Chaudhary Resident of Village-Chaudhary Mohalla
Sasaram,P.S. Sasaram,Distt.-Rohtas Sasaram.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha
For the Opposite Party/s : Mr.Sri Rajballabh Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 22-01-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case
registered for the offences punishable under Sections 307, 327,
379, 323, 315, 354(A) (2), 325 and 504/34of the Indian Penal
Code.

The prosecution case as per the written report of
Ranju Devi submitted to the Station House Officer of Mohania
Police Station is to the effect that in the background of a land



dispute and pending Title Suit No. 769 of 2015 altogether 16 FIR named persons came, variously armed including the petitioners and the first eight persons named in the FIR assaulted the informant and tore her blouse when the informant was carrying pregnancy. When the informant's brother-in-law, Akshay Shankar Chaudhary and elder sisters, Manju Devi and Lalmuni Devi came to rescue, they were also assaulted by accused nos. 9 to 16. It is alleged that they caused grievous injury to the sisters and brother-in-law of the informant and also snatched the jewellery.

It is submitted by learned counsel for the petitioners that the accusation has been levelled admittedly in the background of land dispute. The accusation of assault is omnibus and general against 16 accused persons and only one injury has been found to be grievous, i.e. fracture on the wrist of the sister of the informant. It is further stated that there is no medical report about termination of pregnancy and there is a counter version of the occurrence being, Mohania P.S. Case No. 404 of 2018 and the petitioners' side have also received injury. Though, petitioner nos. 1 and 2 are accused in one another case but they are on bail and other petitioners are not having any criminal antecedent.



Learned APP after going through the case diary submits that there is specific accusation of assault against the petitioners and one injury has been found to be grievous.

Considering the genesis of the occurrence being land dispute, accusation of assault being omnibus and general against 16 persons and there being a counter version of the occurrence, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhabua, Kaimur in connection with Mohania P.S. Case No. 403 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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