

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41471 of 2019

Arising Out of PS. Case No.-97 Year-2019 Thana- BAGHA District- West Champaran

1. GAYA CHAUDHARY Son of Late Doma Chaudhary Resident of Village - Goiti, Ward No.16, P.S.- Bagaha (Pathkhauli), Dist.- West Champaran.
2. Krishanandan Kumar @ Krishanandan Chaudhary Son of Gaya Chaudhary Resident of Village - Goiti, Ward No.16, P.S.- Bagaha (Pathkhauli), Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 08-07-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bagaha (Pathkhauli) P.S. Case No.97 of 2019 registered under Sections 341, 323, 324, 379, 427 and 504/34 of the Indian Penal Code.

The accusation is that the informant after keeping the cash Rs.25000/- on the bed went to shave at his door. In that course, the informant heard the sound of breaking the 'Taati'. Thereafter, the informant went to his house, then the informant saw that his brother Gaya Chaudhary (petitioner no.1) and nephew Krishanandan Chaudhary (petitioner no.2) were fleeing



away after taking his money. Thereafter, while Gaya Chaudahary (petitioner no.1), the brother of the informant, fled away but his nephew Krishanandan Chaudahary (petitioner no.2) was apprehended. At that time, the petitioner no.1 attacked on the informant through lathi, due to which the mobile of the informant became damaged. Thereafter, the petitioner no.2 caused injury through Garasa at the head of the informant. At that time, both the petitioners took the gold chain worth Rs.10,000/- and cash Rs.25000/- of the informant.

Learned counsel for the petitioners submits that the petitioner no.1 is the brother and the petitioner no.2 is the nephew of the informant and due to land dispute, they have falsely been implicated in this case. Moreover, the injury as caused to the informant by the petitioner no.2 is simple in nature, caused by hard and blunt substance, while the allegation against the petitioner no.2 is to cause injury to the informant on his head through Garasa. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, 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 the Additional Chief Judicial Magistrate-I, Bagaha, District-West Champaran, in connection with Bagaha (Pathkhauli) P.S. Case No.97 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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