

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42705 of 2019

Arising Out of PS. Case No.-345 Year-2018 Thana- DINARA District- Rohtas

1. Rajesh Choudhary, aged about 35 years, male, son of Late Kishun Chaudhary, resident of Village - Bhuitola, Chilbila, P.S.- Dinara, Dist.- Rohtas.
2. Bhuali Choudhary, aged about 42 years, male, Son of Late Bikrama Chaudhary, Resident of Village - Bhuitola, Chilbila, P.S.- Dinara, Dist.- Rohtas.
3. Dhanjee Chaoudhary, aged about 35 years, male, Son of Late Bikrama Chaudhary Resident of Village - Bhuitola, Chilbila, P.S.- Dinara, Dist.- Rohtas.
4. Phulkumari Devi Mahto, aged about 30 years, female, Wife of Prahlad Chaudhary Resident of Village - Bhuitola, Chilbila, P.S.- Dinara, Dist.- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Dev Singh, Adv.
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 27-09-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners apprehend their arrest in connection with Dinara P.S. Case No. 345 of 2018 registered under sections 341, 323, 324, 307, 504 and 506/34 of the IPC and later on Section 302 IPC was added.

The allegation against the petitioners is that the petitioner no. 1 caught hold the son of informant and one Bharat Chaudhary assaulted him by means of *farsa* on his head and the



petitioner no. 3 assaulted Lalmati Devi by means of rod causing her serious injury, who subsequently died. The allegation against the accused no. 2 and 4 is not specific in the first information report.

Mr. Vikram Dev Singh, learned counsel appearing for the petitioners submits that both the parties are co-sharers and there is a land dispute between them. Learned counsel further submits that Lalmati Devi succumbed to the injuries during the course of treatment and she was assaulted by petitioner no. 3 Dhanjee Choudhary. Learned counsel further submits that another petitioners i.e. petitioner no. 1, 2 and 4, there is no specific allegation of assault against them. Learned counsel further submits that there is a counter case for the same incident bearing Dinara P.S. Case No. 346 of 2018.

Having regard to the submission made by the parties and taking into consideration the fact that specific allegation of assault is upon Dhanjee Choudhary i.e. the petitioner no. 3, I am not inclined to grant anticipatory bail to the petitioner no. 3 and the application of anticipatory bail against him is rejected.

However, in so far as the petitioners no. 1, 2 and 4 no overt act has been alleged against them, I am inclined to grant anticipatory bail to the petitioners no. 1, 2 and 4.



Accordingly, the petitioners no. 1, 2 and 4, in the event of arrest or surrender before the learned Court below within a period of four weeks from today 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 the learned A.C.J.M. Bikramganj, District: Rohtas in connection with Dinara P.S. Case No. 345 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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