

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45578 of 2019

Arising Out of PS. Case No.-180 Year-2018 Thana- CHOUTARWA District- West
Champaran

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PHARINDRA CHAUBEY @ FARENDRA CHAUBEY S/o Ekbali Chaubey
Resident of Village- Siswa Basantpur, P.S.- Chautarwa, District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Ajit Kumar
Mr. Anandkishore Chaudhary

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

4 16-11-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of
Chautarwa P.S. Case No. 180 of 2018, disclosing the offence
under Sections 341, 323, 324, 506, 354, 34 of the Indian Penal
Code.

There is allegation against six persons named in the
FIR of having caught hold of the informant and assaulted him
with iron rod. It is also alleged that they assaulted informant's
daughter who had come in rescue.

Learned counsel appearing on behalf of the petitioner
has submitted that there is no allegation in the FIR specific
against the petitioner of having assaulted the informant.



Allegation in the FIR is general in nature.

Case diary has been called for and it appears that in course of investigation the informant is said to have alleged that it was the petitioner who had made the assault. Injury has been found to be grievous in nature, learned Additional Public Prosecutor appearing for the State of Bihar contends.

Learned counsel appearing on behalf of the informant has opposed the prayer for anticipatory bail.

Be that as it may, on perusal of the FIR, I do not find any motive attributed behind the occurrence though in course of investigation it has come that there is some land dispute.

Considering the background in which the occurrence is said to have taken place and the nature of allegation in the FIR, this application is allowed. Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned 1st ACJM, Bagaha, West Champaran in Chautarwa P.S. Case No. 180 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall



present himself before the Police/ Court, as the case may be, as
and when required and in the event of failure on his part to
appear before the court on two consecutive occasions, his bail
bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Rajesh/-

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