

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48654 of 2019

Arising Out of PS. Case No.-74 Year-2019 Thana- SILAO District- Nalanda

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1. Shankar Chaudhary Son of Babulal Chaudhary, Resident of Village- Khojagachhi, P.S.- Silao, Distt.- Nalanda.
 2. Priya Devi Wife of Shankar Chaudhary, Resident of Village- Khojagachhi, P.S.- Silao, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 06-08-2019 Heard both sides.

Petitioners apprehend their arrest in Silao P.S. Case No.74 of 2019 registered under Sections 341, 323, 324, 308, 504 of the Indian Penal Code.

The informant alleged that petitioner no.1 was constructing his house but he was opening the door of his house in front of the door of the informant. When the informant asked petitioner no.1 to open the door at some distance, petitioner no.1 (Shankar Chaudhary) is alleged to have assaulted the informant with iron rod on his head and other part of the body. When the wife of the informant came to save him, she was also assaulted by the accused persons.



Learned counsel for the petitioners submits that the petitioners are own nephew and daughter-in-law of the informant. On account of land dispute, the occurrence took place, but it appears that there is specific allegation against petitioner no.1 that he assaulted the informant with iron rod on his head and hand. One injury found on the left arm is grievous in nature on account of fracture of ulna bone. One deep lacerated wound was also found on the left parietal skull of the informant. Petitioner no.1 is the author of both injuries sustained by the informant.

Having considered the facts aforesaid, I am not inclined to enlarge petitioner no.1 (Shankar Chaudhary) on anticipatory bail. Accordingly, the same is rejected.

So far the case of petitioner no.2 (Priya Devi) is concerned, there is no specific allegation of assault against her and she is a lady.

Having considered the facts and the nature of allegation made against petitioner no.2, petitioner no.2 (Priya Devi), in the event of her arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten



thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Nalanda at Biharsharif in connection with Silao P.S. Case No.74 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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