

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57056 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- DHANSOI District- Buxar

RAJNI KANT CHOUBEY, aged about 50 years (Male), Son of Late Nagina Choubey, Resident of Village - Choube Ke Parsiya, P.S.- Dhansoi, District- Buxar.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Anil Kumar Singh, Advocate.
For the Opposite Party : Mr.Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 05-11-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 341, 323, 504, 506, 379, 307, 354(A)/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 06.01.2019 at about 3.00 P.M. the informant was cutting grass on the land located in front of his house. Then the petitioner came there and started abusing and resisting him to cut the grass. He restrained them from abusing. At that time, Suman Choubey, Sanjay Choubey came there. Both brothers were lashed with the country made Katta and fired upon the informant but he saved himself lying on the ground. At the same time, Mahendra



Choubey, Sri Choubey lashed with Lathi, Danda, rod came there and started abusing. Mahendra Choubey fomented by saying kill him. Then all accused persons started assaulting the informant, then he raised alarm. On hearing the alarm, his sons namely, Dhananjay Kumar and Pawan Kumar came there to rescue him. Mahendra Choubey attacked upon Dhananjay with the Iron rod which inflicted injury on the vertex of the head and he fell down fainted. Sanjay Choubey, Rajnikant Choubey (petitioner), Sri Choubey surrounded Pawan Kumar and assaulted with Lathi and Iron rod. He also sustained injury on his vertex. In the meantime, the wife of informant namely, Shashi Devi came there. Then Mahendra Choubey caught hold her hair and threw on the ground. He snatched the golden chain weighing 02 Bhars. When the people assembled there then they fled away.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 17.07.2019. The petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. General and omnibus allegation has been made against the petitioner. There is an admitted land dispute between the parties. Three persons including the petitioner are said to have assaulted with



Lathi and rod. As per the injury report, there is only one injury on the body of the victim. As per the allegation made in the F.I.R., injury report does not corroborate.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned A.C.J.M.- 3, Buxar, in connection with Dhansoi P.S. Case No. 05/19.

(Sudhir Singh, J)

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