

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9453 of 2020

Arising Out of PS. Case No.-939 Year-2019 Thana- MADHEPURA District- Madhepura

1. Vinod Kumar Chaudhary @ Binod Kumar Choudhary aged about 25 years (Male) son of Dinesh Chaudhary
2. Anmol Chaudhary aged about 22 years (Male), son of Dinesh Chaudhary Both residents of village- Chaiknautwa, P.S.- Ghailarh District- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Madhepura (Ghailarh O.P.) P.S. Case No. 939 of 2019, registered for the offence punishable under Sections 147, 148, 149, 448, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal Code, 1860.

The allegation against the petitioners is that the petitioner no. 1 assaulted the informant on his left hand, left back and elbow of his right hand by means of iron *khanti* and the petitioner no. 2 assaulted the son of informant by means of *dabiya* on his head.



Learned counsel for the petitioners submits that both the parties are close relatives inasmuch as the informant is the uncle of the petitioners and there is a land dispute between them. Learned counsel further submits that from perusal of injury reports, annexed as Annexures- 2 and 3, of the informant and his son -Pramod Chaudhary, it would be evident that injuries caused to them were examined by the doctor at about 3.50 P.M. and 2.40 P.M. respectively, whereas the occurrence had allegedly taken place at about 4.00 P.M., which would be evident from the First Information Report. Learned counsel further submits that from perusal of the injury reports it would also be evident that the injuries caused to the informant and his son were found to be simple in nature caused by hard and blunt substance, whereas the allegation against the petitioner no. 2 is of assault to the son of the informant by means of *dabiya*, which is a sharp cutting weapon.

Having heard learned counsel for the parties and taking into consideration the fact that both the parties are close relatives, there appears to be land dispute between them and the injuries caused to the informant and his son have been found to be simple in nature, I am inclined to grant anticipatory bail to the petitioners.



Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks from the date of receipt of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura (Ghailarh O.P.) P.S. Case No. 939 of 2019, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Anil Kumar Sinha, J)

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