

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81802 of 2019

Arising Out of PS. Case No.-174 Year-2019 Thana- PIRO District- Bhojpur

1. Dhaneshwar Choudhary @ Dhanu @ Dhaneshwar Prasad, S/o Shiv Prasad Chaudhary Resident of Village- Samiran Majhiaw, P.S.- Piro (Hasan Bazar), District- Bhojpur.
2. Dharmendra Chaudhary S/o Dhanedshwar Choudhary Resident of Village- Samiran Majhiaw, P.S.- Piro (Hasan Bazar), District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

6 25-09-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in connection with Piro (Hasan Bazar) P.S. Case No. 174 of 2019, registered under Sections 341, 379, 504, 307 and 506/34 of the Indian Penal Code, pending in the court of the learned Chief Judicial Magistrate, bhojpur at Ara.

The accusation is that on 24.06.2019, Dhaneshwar Choudhary (Petitioner No.1), brother of informant Dadan Choudhary, started to construct house without partition of the joint family land on which Munna Kumar, son of informant, made protest then Dhaneshwar Choudhary (Petitioner No.1)



and his three sons Dharmendra Choudhary (Petitioner No.2), Mukesh Choudhary and Rishu Choudhary started assaulting him through lathi and stick, as a result thereof, he sustained blood oozing injury. When informant made protest then he was also assaulted and at that time, they also snatched gold chain from the neck of Munna Kumar.

Learned counsel appearing on behalf of petitioners submits that petitioner No.1 and informant are own brother and due to land dispute hot talk and scuffle took place in which son of informant Munna sustained slight injuries, but with ulterior motive, the informant lodged the present case.

On the other hand, learned A.P.P. opposed the prayer of pre-arrest bail of the petitioners with submission that eight injuries were found on the person of Munna Kumar, son of informant, out of which injury Nos. 5 to 8 are simple in nature and opinion regarding injury Nos. 1 to 4 has been kept reserved, which would appear from Annexure-2 itself.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioners, I am not inclined to grant pre-arrest bail to the petitioners. Accordingly, their prayer for grant of pre-arrest bail stands rejected. The petitioners are directed to surrender before the



trial Court within four weeks and pray for regular bail, which shall be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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