

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86808 of 2019

Arising Out of PS. Case No.-479 Year-2019 Thana- BAGHA District- West Champaran

1. MOTI CHAUDHARY Son of Uday Narayan Chaudhary Resident of Village - Goiti, P.S.- Bagaha (Pathkhauri), District - West Champaran.
2. Uday Narayain Chaudhary @ Uday Narayan Chaudhary Son of Late Gaya Chaudhary Resident of Village - Goiti, P.S.- Bagaha (Pathkhauri), District - West Champaran.
3. Virendra Kumar Chaudhary Son of Uday Narayan Chaudhary @ Uday Narayain Chaudhary Resident of Village - Goiti, P.S.- Bagaha (Pathkhauri), District - West Champaran.
4. Sonu Chaudhary @ Dipu Kumar Son of Jagat Narain Chaudhary Resident of Village - Goiti, P.S.- Bagaha (Pathkhauri), District - West Champaran.
5. Deepak Kumar @ Deepak Chaudhary Son of Jagat Narain Chaudhary Resident of Village - Goiti, P.S.- Bagaha (Pathkhauri), District - West Champaran.
6. Mani Chaudhary @ Karan Kumar Son of Rameshwar Chaudhary @ Radheshyam Chaudhary Resident of Village - Goiti, P.S.- Bagaha (Pathkhauri), District - West Champaran.
7. Prabhakar Chaudhary @ Prabhakar Kumar Son of Shambhu Chaudhary Resident of Village - Goiti, P.S.- Bagaha (Pathkhauri), District - West Champaran.
8. Angad Chaudhary Son of Shankar Chaudhary Resident of Village - Goiti, P.S.- Bagaha (Pathkhauri), District - West Champaran.
9. Radheshyam Chaudhary @ Rameshwar Chaudhary Son of Chaturi Chaudhary Resident of Village - Goiti, P.S.- Bagaha (Pathkhauri), District - West Champaran.
10. Subhash Chaudhary Son of Shankar Chaudhary Resident of Village - Goiti, P.S.- Bagaha (Pathkhauri), District - West Champaran.
11. Maheshwari Chaudhary Son of Late Rajeshwar Chaudhary Resident of Village - Goiti, P.S.- Bagaha (Pathkhauri), District - West Champaran.
12. Omprakash Chaudhary @ Prakash Chaudhary Son of Late Parkhan Chaudhary @ Parsan Chaudhary Resident of Village - Goiti, P.S.- Bagaha (Pathkhauri), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH



ORAL ORDER

2 25-02-2020 At the outset, it is submitted by learned counsel for the petitioners that petitioner no. 1 Moti Chaudhary and petitioner no. 4, Sonu Chaudhary alias Dipu Kumar have been arrested, hence, this application has become infructuous with regard to petitioner nos. 1 and 4.

Accordingly this application is disposed of as it has become infructuous so far as it relates to petitioner nos. 1 and 4 above named.

Heard learned counsels for the parties.

The petitioners except petitioner nos. 1 and 4 are apprehending arrest in a case registered for the offences punishable under Sections 147,341,342,323,324,307,379 and 504 of the IPC.

The prosecution case as per the written report of Manoj Kumar Yadav submitted to the SHO, Bagaha Police Station is to the effect that on 29.8.2019 at 5.00 P.M. when the informant was going from his house towards road, all the fifteen accused persons surrounded the informant and started assaulting. It is specifically alleged that co-accused Kundan Chaudhary assaulted with Farsa on the head of the informant, as a result, he became unconscious and fell down. When Chandan Yadav, Sanoj Yadav, Atma Nand Yadav and Surendra



Yadav came to rescue the informant, then co-accused Govind Chaudhary gave a Farsa blow on the head of Chandan Yadav, as a result, he also fell down and got unconscious. Thereafter, Sanoj Yadav was assaulted by petitioner nos. 1 and 3 Moti Choudhary and Virendra Choudhary and Atma Nand Yadav and Surendra Yadav were assaulted by petitioner nos. 4 and 5 Sonu Choudhary and Deepak Choudhary. It is further alleged that petitioner no. 7 Prabhakar Choudhary took away a gold chain worth Rupees Twenty Thousand and petitioner no. 10 Subhash Choudhary took away Rupees One Lakh from the pocket of Chandan Yadav and all the accused persons damaged the house of the informant also.

It is submitted by learned counsel for the petitioners that in the background of earlier dispute, the accusation has been levelled against the petitioners. The accusation is omnibus and general against most of the accused persons. It is further submitted that none of the injuries has been found grievous. There is counter version of the occurrence being Bagaha (Pathkhauri) P.S. Case No.480 of 2019. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned counsel for the informant that all



the accused persons including the petitioners caused injury on the vital part of the body and the counter version is subsequent to the case lodged by the informant's side and that has not been registered under Section 307 of the IPC.

Considering the accusation against fifteen accused persons of making assault with conventional weapon, nature of injury, there being a counter version of the occurrence and statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named except petitioner nos. 1 and 4 be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM I, Bagaha, West Champaran in connection with Bagaha (Pathkhauli) P.S. Case No.479 of 2019 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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