

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15199 of 2021**

Arising Out of PS. Case No.-318 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. ABHISHEK CHAUDHARY @ ABHISHEK YADAV, Son of Suresh Chaudhary, Resident of Village- Kukur Bhuka, P.S.- Gopalganj, District- Gopalganj
 2. Guddu Kumar, Son of Suresh Chaudhary, Resident of Village- Kukur Bhuka, P.S.- Gopalganj, District- Gopalganj
 3. Shailesh Chaudhary @ Shailesh Yadav, Son of Nagendra Chaudhary, Resident of Village- Kukur Bhuka, P.S.- Gopalganj, District- Gopalganj
- ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Pankaj Kumar Dubey, Adv.
For the Opposite Party : Mr. A.M.P. Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 24-03-2021 As prayed for, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide it's note, dated 24.02.2021, within four weeks of starting of the Court proceeding in physical mode properly.

Heard the parties through video conferencing.

The learned counsel appearing for the petitioners seeks permission to withdraw the prayer of pre-arrest bail on behalf of the petitioner no. 3 (Shailesh Chaudhary @ Shailesh Yadav), as, during the pendency of this application, he is taken into custody.

Prayer is allowed.

The prayer of pre-arrest bail on behalf of the



petitioner no. 3 (Shailesh Chaudhary @ Shailesh Yadav) is dismissed as withdrawn.

Heard learned counsel for the petitioners 1 and 2, namely, Abhishek Chaudhary @ Abhishek Yadav and Guddu Kumar, and learned Additional Public Prosecutor for the state.

The petitioners 1 and 2 seek pre-arrest bail in connection with Gopalganj P.S. Case No. 318 of 2020, registered under Sections 447, 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code, pending in the Court of the Chief Judicial Magistrate, Gopalganj.

The accusation is that thirteen persons, named in the first information report, including the petitioners 1 and 2, came at the door of the informant, Bullet Kumar, variously armed with weapons, and started to abuse. When the informant made protest, at that time, all started to cause assault during which Abhishek Chaudhary (petitioner no. 1), Guddu Kumar (petitioner no. 2) and Sailesh Kumar started to cause assault to Bablu Yadav, Mantu Yadav and Nanhku Yadav, in which Mantu Yadav sustained cut injury at his belly and when Bablu Yadav rushed to save him, he was also assaulted.

Submission is that out of three injuries, as found on the person of injured, Mantu Yadav, injury no. 1 is grievous in



nature, which is on left mid of the abdomen in size of 4" x 2" x deep cavity. Further, submission is that due to land dispute occurrence of marpeet took place in which petitioners' side also sustained injury, regarding which Gopalganj P.S. Case No. 319 of 2020 was also instituted under Sections 447, 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code on the basis of the fardbeyan of co-accused, Suresh Chaudhary.

Having regard to the facts and circumstances of the case and the nature of allegation against petitioners 1 and 2, namely, Abhishek Chaudhary @ Abhishek Yadav and Guddu Kumar, I am not inclined to grant the privilege of pre-arrest bail to the petitioners. The prayer for pre-arrest bail is **rejected** with direction to the petitioners to surrender before the Court below and seek regular bail, which shall be considered, by the Court below, on its own merit, without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

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