

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24908 of 2021**

Arising Out of PS. Case No.-511 Year-2020 Thana- BAIRIYA District- West Champaran

1. KHEDU CHAUDHARY Son of Kodaie Chaudhary Resident of Mohalla - Malahi Tola, Police Station - Bairiya, District - West Champaran.
2. Dharmendra Chaudhary @ Dharmendra Kumar Chaudhary Son of Banwari Chaudhary Resident of Mohalla - Malahi Tola, Police Station - Bairiya, District - West Champaran.
3. Santosh Chaudhary Son of Banwari Chaudhary Resident of Mohalla - Malahi Tola, Police Station - Bairiya, District - West Champaran.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

**Appearance :**

For the Petitioners : Mr. Anil Kumar, Advocate.  
For the State : Mr. Binod Kumar-2, A.P.P.

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

ORAL ORDER

2      21-08-2021                      As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the Stamp Reporter, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.1, namely, Khedu Chaudhary, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.1, namely, Khedu Chaudhary, for granting him the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the petitioner no.1, namely,



Khedu Chaudhary.

Permission is accorded.

This application in respect of the petitioner no.1, namely, Khedu Chaudhary, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.2, namely, Dharmendra Chaudhary alias Dharmendra Kumar Chaudhary, and the petitioner no.3, namely, Santosh Chaudhary, for granting them the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner no.2, namely, Dharmendra Chaudhary alias Dharmendra Kumar Chaudhary, and the petitioner no.3, namely, Santosh Chaudhary, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner no.2, namely, Dharmendra Chaudhary alias Dharmendra Kumar Chaudhary, and the petitioner no.3, namely, Santosh Chaudhary, apprehend their arrest in connection with Bairiya P.S. Case No.511 of 2020 registered under Sections 341, 323, 324, 307 and 504/34 of the Indian Penal Code.

The accusation is that in the evening of 20.11.2020, Chhabila Choudhary, the father of the informant Hari Choudhary, had gone to his potato field, then he saw that Banwari Chaudhary, the co-villager of the informant, was damaging the potato field. When the father of the informant made protest, then Banwari Chaudhary, Dharmendra Chaudhary (petitioner no.2), Santosh Chaudhary



(petitioner no.3), Khedu Chaudhary, Surendra Chaudhary and Sandeep Chaudhary started to abuse. At that time, Banwari Chaudhary caused injury at the head of the father of the informant through Farsa. When the informant rushed to save his father, then Dharmendra Chaudhary (petitioner no.2) caught hold of him and Santosh Chaudhary (petitioner no.3) caused injury at the waist of the informant through Bhala, due to which the informant fell down. Thereafter, Khedu Chaudhary caused injury to the mother of the informant through legs, fists and slaps. Surendra Chaudhary and Sandeep Chaudhary also started to cause assault through lathi and iron rod.

Learned counsel for the petitioner no.2, namely, Dharmendra Chaudhary alias Dharmendra Kumar Chaudhary, and the petitioner no.3, namely, Santosh Chaudhary, submits that it would appear from the F.I.R. that there is allegation against the petitioner no.2, namely, Dharmendra Chaudhary alias Dharmendra Kumar Chaudhary to catch hold of the informant and, thereafter, the petitioner no.3, namely, Santosh Chaudhary caused injury at the waist of the informant through Bhala but it would appear from the injury report of the informant that the injuries, as sustained by him, are simple in nature. Further submission is that due to old land dispute, the occurrence of “Maar-Peet” took place between the parties in which the side of the petitioner nos.2 and 3 also sustained injury regarding which on the basis of the fardbeyan of the petitioner



no.2, namely, Dharmendra Chaudhary alias Dharmendra Kumar Chaudhary, Bairiya P.S. Case No.513 of 2020 was also instituted against the informant of the present case and others.

Having considered the facts and the circumstances of the case, let the petitioner no.2, namely, Dharmendra Chaudhary alias Dharmendra Kumar Chaudhary, and the petitioner no.3, namely, Santosh Chaudhary, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-III, West Champaran, Bettiah, in connection with Bairiya P.S. Case No.511 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

**(Rajendra Kumar Mishra, J)**

P.S./-

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