

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32375 of 2021

Arising Out of PS. Case No.-381 Year-2020 Thana- BAGHA District- West Champaran

Mukesh Chaudhary S/O- Rajendra Chaudhary Resident of Village - Goiti, P.S.
- Bagaha (Pathkhauli), Distt. - West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with Bagaha (Pathkhauli) P.S. Case No. 381 of 2020 instituted for the offences under Sections 147, 149, 341, 323, 325, 307, 379 and 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 18.12.2020, charge-sheet has been submitted in the case and has one criminal antecedent as mentioned in paragraph '3' of the bail application.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the informant alleges that on account of land dispute, the petitioner along with 12 accused persons came



armed with deadly weapons at the cowshed of the informant. Further, that on order of Dhruv Chaudhary, the petitioner assaulted with *khanti* on the neck of the informant but missed and hit the backside of the head as the informant tried to save himself. Further, Dharmnath Yadav gave iron rod blow on account of which the informant's left leg and left hand got fractured. Thereafter, it is alleged that Leelavati Devi assaulted by *gandasa* and accused Mannu Chaudhary took away Rs. 15,000/-.

Learned counsel for the petitioner submits that petitioner's side instituted Bagaha (Patkhauli) P.S. Case No. 385 of 2020 in which it is alleged that present informant's side were aggressor in which brother and nephew of the petitioner got injured and received serious injuries. Learned counsel submits that there is a land dispute and parties are on litigating terms as stated in paragraph '9' of the petition. Learned counsel fairly submits that the petitioner seeing the injury received by his brother and nephew from the side of the present informant, assaulted the present informant in fit of anger and the occurrence was not pre-planned and the blow was not repeated.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.



Considering the fact that the petitioner and informant are related to each other, there is a land dispute and case and counter case, petitioner is in custody since 18.12.2020 and the charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Bagaha, West Champaran in connection with Bagaha (Pathkhauli) P.S. Case No. 381 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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