

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32619 of 2021

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

Kundan Kumar @ Kundan Chaudhary, Male, aged about 25 years, S/O
Rajbahadur Chaudhary @ Rajbahadur Chuhan, R/o village- Goiti, P.S.-
Bagaha (Pathkauli), District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anand Kishore Choudhary, Advocate
For the Opposite Party : Mr. Nand Kishore, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-11-2021 Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of eight weeks.

Further, learned counsel for the petitioner is permitted
to make necessary correction in the prayer portion of the bail
application.

Heard learned counsel for the petitioner and learned
counsel for the State through Virtual mode.

The petitioner is apprehending his arrest in connection
with Bagaha (Pathkauli) P.S. Case No. 479 of 2019 for the
offence registered under Sections 147, 341, 342, 323, 324, 307
and 379/504 of the I.P.C.

The prosecution story, in brief, is that on 29.08.2019



at about 5.00 P.M., the informant went towards the road, where the petitioner and other F.I.R. named accused persons surrounded him and the petitioner inflicted *Farsa* blow on his head with an intention to kill him due to which, he became unconscious and fell down and when Chandan Yadav, Sanoj Yadav, Atmanand Yadav and Surendra Yadav came to save him then co-accused Govind Yadav gave *Farsa* blow on the head of Chandan Yadav. Co-accused Moti Chaudhary and Birendra Chaudhary assaulted Sanoj Yadav by *Lathi* on his head and co-accused Deepak Chaudhary and Sonu Chaudhary assaulted Atma Nand Yadav and Surendra Yadav due to which they sustained head injury and blood started oozing. Prabhakar Chaudhary snatched his gold chain worth Rs. 20,000/- and Subash Chaudhary took out one lac rupees from the bag of Chandan Yadav. They damaged Motorcycle of Chandan Yadav.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. Nature of injury is said to be simple. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the accused side



has not been explained by the prosecution. The police after investigation has submitted final form against the accused persons but the learned court below has differed with the police report and taken cognizance against the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-Ist, Bagaha, West Champaran, in connection with Bagaha (Pathkauli) P. S. Case No. 479 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

