

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35334 of 2020

Arising Out of PS. Case No.-48 Year-2020 Thana- JAMOBABAZAR District- Siwan

1. Gopal Chaudhary
2. Madan Mohan Chaudhary
3. Pateya Chaudhary @ Kauleshar Chaudhary, Petitioner No.1 to 3 are sons of Parsoti Chaudhary
4. Kanhaiya Chaudhary
5. Ramlal Chaudhary
6. Ayush Chaudhary @ Ramakant Chaudhary Petitioner No.4 to 6 are sons of Atma Chaudhary
7. Santosh Yadav Son of Late Sitaram Yadav, All are resident of Village and P.O. and P.S.- Jamo Bazar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.
For the Opposite Party/s : Mr.B.N.Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 21-06-2021 Heard both sides through video conferencing.

The petitioners apprehend their arrest in Jamo Bazar P.S. Case No.48 of 2020 registered under Sections 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

The informant alleged that all the accused persons surrounded the informant and brutally assaulted him and his brother by means of tangi and dab. The informant and his brother got serious injuries. Gopal Chaudhary(petitioner No.1) assaulted the informant with dab. The informant got cut injury



on his hand. When Pappu Kumar Yadav, the brother of the informant came to rescue, Madan Chaudhary assaulted with tangi on his head and Pappu Kumar Yadav got blood oozing injury on his head. The accused persons assaulted all the family members of the informant.

The learned counsel for the petitioners submits that petitioners have falsely been implicated in the case. There is specific allegation against only two persons namely Gopal Chaudhary and Madan Chaudhary that they assaulted the informant and his brother with dab and tangi respectively but the doctor found that the injuries are simple in nature. It is further submitted that occurrence took place on 05.04.2020 but the F.I.R. was lodged on 07.04.2020 whereas the police station is situated just one kilometer from the place of occurrence. There is a counter version being Jamo Bazar P.S. Case No.49 of 2020. No offence under Section 379 I.P.C. is made out but from perusal of the F.I.R., it appears that there is allegation on all the seven persons that they all assaulted the informant, his brother Pappu Kumar Yadav and all the family members of the informant with different weapons. The informant, Ritesh Kumar got as many as three injuries, one of the injuries opined to be grievous in nature. Basanti Kuwar, mother of the informant also



got swelling injury on her forearm. Similarly Pappu Kumar Yadav and other family members got injuries on their body. Many of the injuries are simple as well as grievous.

Taking into consideration the facts that all the petitioners indiscriminately assaulted the informant and his family members with different weapons causing grievous as well as simple injuries to the informant and his family members, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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