

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38638 of 2020

Arising Out of PS. Case No.-34 Year-2020 Thana- BASOPATTI District- Madhubani

1. SUNIL KUMAR CHAUDHARY @ SUNIL CHAUDHARY, Son of Shri Niteshwar Chaudhary Resident of Village-Gausnagar, P.S.-Basopatti, District-Madhubani.
2. Shiv Kumar @ Shivam Kumar Chaudhary, Son of Shri Sunil Chaudhary Resident of Village-Gausnagar, P.S.-Basopatti, District-Madhubani.
3. Malti Devi, Wife of Shri Sunil Chaudhary Resident of Village-Gausnagar, P.S.-Basopatti, District-Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 27-04-2021 Heard Mr. Murari Narain Choudhary, learned counsel for the petitioners and Mr. Md. Matloob Rab, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Basopatti P. S. Case No. 34 of 2020 / C.R.I. No. 320 of 2020, instituted for the offences under Sections 307, 323, 324, 341, 342, 504, 506 and 34 of the Indian Penal Code.

It has been alleged in the F.I.R. that a road was



being constructed in the village of the informant but petitioner no. 2 was demanding *Rangdari* from the road Contractor. When the informant protested, the petitioner no. 2 is said to have given him a dagger injury on his head. The petitioner nos. 1 and 3, who are the parents of petitioner no. 2, are said to have abused the informant.

The learned counsel for the petitioners has submitted that the informant is a co-villager and agnate of the petitioners.

The road was being constructed in a faulty manner and some of the land of the petitioners was being used for construction in an unauthorized manner. When this was protested, the informant cooked up a false case in order to prevent the road Contractor from using the land belonging to him.

The injuries suffered by the informant is superficial and may have been caused in another transaction.



Considering the falsity of the accusation, the parties have jettisoned their differences and the informant is not now interested in prosecuting the petitioners any further.

The learned counsel for the petitioners has also submitted that the road contractor has not filed this case and this makes it very obvious that the purpose for lodging this case was different.

Considering the afore-stated facts, the petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Madhubani / Incharge Successor Court, in connection with Basopatti P. S. Case No. 34 of 2020 / C.R.I. No. 320 of 2020, subject to the conditions as laid



down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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