

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38503 of 2022

Arising Out of PS. Case No.-192 Year-2021 Thana- MANJHI District- Saran

1. BIRBAL CHAUDHARY SON OF SATYA NARAYAN CHAUDHARY R/O VILLAGE- GORAYA TOLA DUMAI GARH, P.O.- DUMAI GARH, P.S.- MANJHI, DISTRICT- SARAN
2. SANJEEV KUMAR @ RAJEEV KUMAR CHAUDHARY SON OF SUBHASH KUMAR CHAUDHARY R/O VILLAGE- GORAYA TOLA DUMAI GARH, P.O.- DUMAI GARH, P.S.- MANJHI, DISTRICT- SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Prabhakar, Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, A.P.P.
	:	Mr. Bijendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-12-2022 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned senior counsel for the informant.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307 and 504 of the Indian Penal Code.

The informant alleges that on account of dispute relating to construction of temple, Kanhaiya fired at the informant on orders of Santosh but missed, thereafter, it is alleged that Birbal (petitioner No. 1) assaulted him by an iron rod causing injury on head and while fleeing Yogesh threatened.

Learned counsel for the petitioner submits that the



petitioners are persons with clean antecedent. Learned counsel further submits that from bare perusal of the allegations as alleged in the FIR, it would manifest that no specific allegation is alleged against petitioner No. 2 and as far as petitioner No. 1 is alleged to have assaulted by an iron rod is alleged, the same also gets belied by the injury report of the injured as from perusal of the same, it would manifest that the injured had suffered incised wound, it is next submitted that if the wound was incised, how the assault could have been made by an iron rod i.e., a hard and blunt substance, it is thus submitted that either the petitioner No. 1 has been falsely implicated or the informant is not an eye-witness to the occurrence.

Learned A.P.P. for the State and the learned senior counsel for the informant opposes the prayer for anticipatory bail of the petitioners but are not able to meet the submissions of the learned counsel for the petitioners with respect to the wound in question that the wound is incised.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Manjhi P.S. Case No. 192 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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