

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57131 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- DEO District- Aurangabad

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1. AJIT CHOUDHARY S/o RAMANANDAN CHOUDHARY @ RAM NANDAN CHAUDHARI
 2. RAJENDRA CHOUDHARI S/o RAMANANDAN CHOUDHARY @ RAM NANDAN CHAUDHARI
 3. SUJIT CHOUDHARY S/o RAMANANDAN CHOUDHARY @ RAM NANDAN CHAUDHARI
 4. RAMNARESH YADAV S/o LATE KAMDEO YADAV
 5. VIKASH YADAV S/o RAMNARESH YADAV
All R/o VILLAGE - NAKTI, P.S - DEO, DISTRICT – AURANGABAD (BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhaskar Shankar, Advocate
For the State	:	Mr. Pramod Kumar Pandey, A.P.P.
For the Informant	:	Mrs. Leelawati Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-07-2022 Heard learned counsel for the petitioners, the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 341, 324, 325, 307, 379, 447, 354 and 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 01.04.2021 when he reached his home at 04:00 p.m. all the accused persons including the petitioners came



variously armed and assaulted his wife and elder sister-in-law causing injury on their head and snatched money and chain from them. The reason behind the occurrence is the land dispute.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. From the side of the petitioners' Deo P.S. Case No. 27 of 2021 has been instituted in which it is alleged that the side of the present informant were aggressors and they assaulted in such a manner that father of petitioner no. 2 herein died and the petitioners herein also received injury. Learned counsel further submits that from perusal of the allegation as alleged in the FIR, it would manifest that the allegations are general and omnibus in nature and no specific allegation has been attributed to any of the accused persons that who assaulted the wife and elder sister-in-law of the informant. It is next submitted that the injuries suffered by the sister-in-law of the informant is simple in nature and as far as the injury suffered by the wife of the informant is concerned with regard to that the opinion is reserved. Learned counsel next submits that if the accused would have assaulted in the manner as has been alleged in the FIR, then definitely several injuries would have been found on the body of the injured but the injured have suffered only one injury and there is



case and counter case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners but are not in a position to rebut the submission of the learned counsel for the petitioners that from the side of the petitioners Deo P.S. Case No. 27 of 2021 has been instituted in which the informant of the present case and others are accused and have been alleged to have assaulted the petitioners' side leading to death of the father of the petitioner no. 2.

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 Court below 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 court below where the case is pending/successor court in connection with Deo P.S. Case No. 28 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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