

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26079 of 2023

Arising Out of PS. Case No.-388 Year-2022 Thana- DINARA District- Rohtas

-
1. Vindhyachal Chaudhary Son Of Sri Ram Chaudhary R/O Village- Basdihan Tola, P.S.- Dinara (Bhanas), District- Rohtas At Sasaram
 2. Birbal Chaudhary Son Of Nand Jee Chaudhary R/O Village- Basdihan Tola, P.S.- Dinara (Bhanas), District- Rohtas At Sasaram
 3. Bhabishan Chaudhary Son Of Moti Chaudhary R/O Village- Basdihan Tola, P.S.- Dinara (Bhanas), District- Rohtas At Sasaram
 4. Judge Chaudhary Son Of Chandrika Chaudhary R/O Village- Basdihan Tola, P.S.- Dinara (Bhanas), District- Rohtas At Sasaram
 5. Amarjeet Kumar Son Of Sanjay Chaudhary R/O Village- Basdihan Tola, P.S.- Dinara (Bhanas), District- Rohtas At Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-05-2023 Heard Mr. Babu Nandan Prasad, learned Counsel appearing on behalf of the petitioner and Mr. Ajit Kumar, learned A.P.P. appearing on behalf of the State.

2. The petitioner No. 1, 2, 4 and 5 seek pre-arrest bail in connection with Dinara (Bhanas) P.S. Case No. 388 of 2022 dated 26.10.2022 punishable under Sections 147, 148, 149, 341, 323, 325, 307, 504 of the Indian Penal Code and Section 27 of Arms Act.



3. The prosecution story, in brief, is that both the side intervened to fierce fight and in that both the side assaulted each other.

4. Learned Counsel appearing on behalf of the petitioners seeks to withdraw the prayer for application of petitioner No.3 who has been arrested during the pendency of the present bail application.

5. Learned Counsel appearing on behalf of the petitioners submit that petitioners No. 1, 2, 4 and 5 were injured in the incidence in which both the side have assaulted each other. Learned counsel further submitted that petitioners have lodged F.I.R. No. 387 of 2022, petitioner no. 1 had filed an F.I.R. relating to the Dinara (Bhanas) P.S. Case No. 387 of 2022 dated 25.10.2022 and subsequent to that petitioners have been made accused in the Dinara (Bhanas) P.S. Case No. 388 of 2022. Learned counsel further submitted that the injuries, which have been alleged against the petitioners, are simple in nature and he has annexed injury report by way of 'Annexure-3' series. Learned counsel further submitted that petitioner no.1 assaulted the informant on the leg and the injury sustained by him is simple in nature. Petitioner No.2 assaulted one Nitish Kumary by means of iron rod and injury sustained by him also simple in



nature. Petitioner No.4 without intention in his defence has allegedly assaulted on the head of the informant and injury sustained is also simple in nature. Petitioner No.5 assaulted the Jagan Chaudhary and no injury report is on record.

6. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Considering the nature of allegation as well as the injury report, it appears that injuries are simple in nature. It is admitted that both the parties are engaged in fierce fight, which has resulted into lodging of the present case and counter case. It appears that petitioner have made out a, *prima facie*, case to be released on pre-arrest bail.

8. The Court below is directed to release the petitioner Nos.1, 2, 4 and 5 on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand only) each with two sureties of the like amount each, to the satisfaction of learned A.C.J.M.-I, Bikramganj, Rohtas in connection with Dinara (Bhanas) P.S. Case No. 388 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



9. The present bail application, accordingly, stands disposed of.

(Purnendu Singh, J)

nilmani/mini-

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

