

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35272 of 2023

Arising Out of PS. Case No.-107 Year-2022 Thana- THAKRAHA District- West Champaran

Sanjay Choudhary Son of Late Gamha Mallah Resident of Village- Rupa
Tola, PS- Thakraha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Thakraha P.S. Case No. 107 of 2022 registered on 01.11.2022 for the alleged offences under Sections 147, 341, 323, 307, 354, 379, 504, 506 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons assaulted the sons of the informant with lathi, Bhala and iron rod. When the husband of the informant tried to save them he was also assaulted by the petitioner and other co-accused persons. The co-accused persons pulled the sari of the informant and assaulted the daughter-in-law of the



informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No specific overt act has been alleged against the petitioner. There is previous litigation between the parties and prior to the present FIR the petitioner and his family members filed Title Suit No. 40 of 2020 against the informant as well as others before the Sub-Judge, Bagaha, West Champaran. Learned counsel further submits that Mutation Appeal No. 82 of 2022-23 is pending before L.R.D.C., Bagaha, West Champaran filed by the petitioner and his family members against the present informant. The mother of the petitioner has filed Complaint Case No. 1055 of 2022 before the Chief Judicial Magistrate, Bagaha, West Champaran against the informant and others under Sections 147, 323, 324, 379, 354 of the Indian Penal Code and Section 27 of the Arms Act. The allegation against the petitioner and others is general and omnibus. Further the allegation against the petitioner and others is of assaulting three sons of the informant by means of iron rod but the victims received only simple injuries. Other injured also sustained injuries which are simple in nature. Co-accused persons have been granted anticipatory bail by the



learned court below. The petitioner is in custody since 07.03.2023 and charge sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that though the injuries appears to be simple.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of injury and further considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bagaha, West Champaran/concerned court in connection with Thakraha P.S. Case No. 107 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the



bail bonds of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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