

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37098 of 2023

Arising Out of PS. Case No.-222 Year-2022 Thana- BARABAR TOURIST District-
Jehanabad

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1. AJAY CHAUDHARY SON OF LATE MUNDRIKA CHAUDHARY
RESIDENT OF VILLAGE NAWADA, P.S. - BARABAR PARYATAK
(VISHUNGANJ OP), DISTRICT - JEHANABAD
 2. RAMJEE CHAUDHARY SON OF LATE MUNDRIKA CHAUDHARY
RESIDENT OF VILLAGE NAWADA, P.S. - BARABAR PARYATAK
(VISHUNGANJ OP), DISTRICT - JEHANABAD
 3. MUNNA CHAUDHARY SON OF LATE MUNDRIKA CHAUDHARY
RESIDENT OF VILLAGE NAWADA, P.S. - BARABAR PARYATAK
(VISHUNGANJ OP), DISTRICT - JEHANABAD
 4. VIKASH KUMAR SON OF AJAY CHAUDHARY RESIDENT OF
VILLAGE NAWADA, P.S. - BARABAR PARYATAK (VISHUNGANJ
OP), DISTRICT - JEHANABAD
 5. ARJUN CHAUDHARY SON OF RAMJEE CHAUDHARY RESIDENT OF
VILLAGE NAWADA, P.S. - BARABAR PARYATAK (VISHUNGANJ
OP), DISTRICT - JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath

For the Opposite Party/s : Mr. Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-07-2023 Heard learned Counsel for the petitioners and

learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Barabar Paryatak (Vishunganj O.P.) Police Station
Case No. 222 of 2022, disclosing offences under Sections
341/323/325/307/379/504/506/34 of the Indian Penal Code.

The prosecution case, on the basis of the First



Information Report, is that the petitioners along with other accused persons, total eleven in numbers, arrived at the house of the informant armed with lathi, danda and other weapons and started abusing, upon protest being made by the informant's father, accused persons assaulted the informant's father by means of lathi, danda, etc. and when the brother of the informant intervened, he was also assaulted by the accused persons, thereafter, when the aunt and niece of the informant intervened they were also assaulted by the accused persons.

Learned Counsel for the petitioners submits that there is a case and counter case between the parties inasmuch as Barabar Paryatak (Vishunganj O.P.) P. S. Case No. 221 of 2022 has been lodged by the petitioner no. 1 against the informant and other accused persons. He further submits that both sides have received injury inasmuch as from the side of the petitioner altogether six persons have received injury, out of which one is grievous and from the side of the informant altogether three persons have received injury, out of which two is grievous and one is simple. He next submits that the occurrence has taken place due to previous enmity between the parties.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the



parties are agnate and there is a case and counter case between them in which both the parties have sustained injury, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Jehanabad, in connection with Barabar Paryatak (Vishunganj O.P.) Police Station Case No. 222 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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