

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47722 of 2023

Arising Out of PS. Case No.-425 Year-2022 Thana- MADHUBAN District- East Champaran

1. VINAY CHAURASIYA Son of Late Ramashrya Bhagat Resident of Village-Bajitpur, P.S.-Madhuban, District-East Champaran, State-Bihar
2. PAWAN CHAURASIYA @ PAWAN KR. CHAURASIYA Son of Late Ramashrya Bhagat Resident of Village-Bajitpur, P.S.-Madhuban, District-East Champaran, State-Bihar
3. SHASHI BHUSHAN CHAURASIYA Son of Jainarayan Chaurasiya @ Jai Narayan Bhagat Resident of Village-Bajitpur, P.S.-Madhuban, District-East Champaran, State-Bihar
4. JAI NARAYAN CHAURASIYA @ JAI NARAYAN BHAGAT Son of Late Ramashrya Bhagat Resident of Village-Bajitpur, P.S.-Madhuban, District-East Champaran, State-Bihar
5. MANI BHUSHAN CHAURASIYA @ MANIBHUSAN Son of Jainarayan Chaurasiya @ Jai Narayan Bhagat Resident of Village-Bajitpur, P.S.-Madhuban, District-East Champaran, State-Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhiresh Kumar Dhiraj, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-08-2023 Prayer for anticipatory bail of petitioner No.2, Pawan Chaurasiya was dismissed as withdrawn vide order dated 08.08.2023.

2. Heard learned counsel for the petitioner Nos.1, 3, 4 and 5 and the State.

3. Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 324, 325, 307, 379, 354(B), 504 and 34 of the Indian Penal Code.



4. Allegation against petitioner Nos.1, 3 and 5 is of having assaulted the husband of the informant by means of *lathi* and iron rod and petitioner No.4 is only alleged to have abused the informant. There is no allegation of overt act against petitioner No.4. Doctor has found that the husband of the informant had sustained six injuries out of which injury No.1 is incised wound on left parietal region and injury No.2 is grievous in nature.

5. It is submitted on behalf of the petitioners that the petitioners are innocent and has falsely been implicated in this case. There is a case and a counter case. A free fight took place in between the parties in which several persons from both the sides had sustained injuries. There is no specific allegation against the petitioners in the FIR rather the allegations are general and omnibus in nature. Petitioners have got no criminal antecedent.

6. Learned counsel for the State oppose the bail petition.

7. Considering the fact that the husband of the informant had sustained multiple injuries which were found to be grievous in nature. Hence, the prayer for anticipatory bail of petitioner Nos.1, 3 and 5 is rejected.



8. Since, there is no allegation of overt act against the petitioner No.4 and there is case and counter case between the parties and persons from both the sides had sustained injuries, the prayer for anticipatory bail of petitioner No.4, Jai Narayan Chaurasiya @ Jai Narayan Bhagat is allowed. In the event of arrest or surrender within six weeks from today, let petitioner No.4, as named above, be enlarged 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 C.J.M., East Champaran, Motihari in connection Madhubani P.S. Case No.425 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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