

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51851 of 2023

Arising Out of PS. Case No.-461 Year-2020 Thana- GOPALPUR District- Bhagalpur

1. SANJAY KUMAR CHOUDHARY Son of Late Jai Mangal Choudhary, Resident of village - Singhiya (Sindhiya) Makandpur, P.s. - Gopalpur, Distt. - Bhagalpur
2. Madhu Devi Wife of Sanjay Kumar Choudhary, Resident of village - Singhiya (Sindhiya) Makandpur, P.s. - Gopalpur, Distt. - Bhagalpur
3. Niket Nayan @ Sonu Son of Sanjay Kumar Choudhary, Resident of village - Singhiya (Sindhiya) Makandpur, P.s. - Gopalpur, Distt. - Bhagalpur
4. Nishant Kumar Choudhary @ Nishant Rishab @ Rishab Son of Sanjay Choudhary (Chotu), Resident of village - Singhiya (Sindhiya) Makandpur, P.s. - Gopalpur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-08-2023 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in connection with Gopalpur P. S. Case No. 461 of 2020 registered on 04.12.2020 for the offences punishable under Sections 341, 323, 354, 379, 504 and 506/34 of the Indian Penal Code.

3. According to the prosecution, FIR has been lodged against five named accused persons alleging therein that in the year 2017 partition took place between the brothers but on 04.12.2020 when informant was talking with his wife then at

about 7:30 a.m. all of a sudden accused persons entered with weapons and started strangulating his neck and upon defence, all four accused persons started assaulting informant's wife and try to outrage her modesty due to which FIR has been lodged.

4. Learned Counsel for the petitioners submits that for the same date and place of occurrence there were two criminal cases, one from the informant's side and another from the petitioner's side have been lodged i.e. Gopalpur P.S. Case No. 461 of 2020 and Gopalpur P.S. Case No. 460 of 2020. Counsel further submits that in the present case after investigation charge-sheet has been submitted against rest two accused persons namely, petitioner No.1 and 2, against rest two accused persons police has found this case false. Counsel further submits that the trial Court has taken cognizance under Section 354 and other Section against all the accused persons due to which this case has arisen. Counsel for the petitioners further submits that antecedent of Petitioner No.2 and 3 is clean whereas against petitioner No.1 and 4 there is one criminal antecedent in which they are on bail. He further submits that all the parties are brothers and their family members and this dispute is basically forge and genesis of the dispute is the family property.

5. Learned APP for the State opposes the prayer for

bail.

6. In the aforesaid facts and circumstances, let the above-named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within 6 weeks from today, on furnishing bail bond of Rs. 30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Naugachia in connection with Gopalpur P.S. Case No. 461 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

ravishankar/-

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