

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53477 of 2023

Arising Out of PS. Case No.-338 Year-2022 Thana- SUPAUL District- Supaul

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SATYANARAYAN CHOUDHARY SON OF LATE GURU CHOUDHARY
R/O-GAURAVGARH, WARD NO. 5, P.S.-SUPAUL, DISTT.-SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bal Krishna Mishra, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-08-2023 Heard the learned counsel for the petitioner and

learned APP for the State.

This is an application for grant of anticipatory bail
in connection with Supaul P.S. Case No.338 of 2022, registered
for offences under Sections 147, 148, 149, 379, 323, 326, 504,
341, 447 and 506 of the IPC.

The case of the prosecution, in brief is that upon
being exhorted by the co-accused persons, namely, Ramnath
Choudhary and Bechan Choudhary, the co-accused persons,
namely, Pankaj Choudhary and Tun Tun Choudhary had
assaulted the father of the informant on his head by khanti and
iron rod, which had hit on the nose of the father of the
petitioner, resulting in him being injured. It is further alleged
that thereafter, the co-accused person, namely, Shivnarayan



Choudhary had hit on the leg of the father of the petitioner and has broken his leg, whereafter, the nephew of the informant was also assaulted by the co-accused persons and then the petitioner herein and one another co-accused person, namely, Mahanthi Choudhary had assaulted the informant by khanti on his head.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one another case but he is on bail in the said case. The learned counsel for the petitioner has also submitted that though the petitioner alongwith the co-accused person, namely, Mahanthi Choudhary are alleged to have assaulted the informant, however, there is no injury report on record of the case qua the informant herein, hence the entire allegations, levelled against the petitioner is concocted. It is next submitted by the learned counsel for the petitioner that similarly situated co-accused persons have already been granted the privilege of bail by this Court vide order dated 24.05.2023, passed in Cr. Misc. No.15693 of 2023.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that though the petitioner is alleged to have assaulted the informant but no injury report is available on record of the case qua the informant, apart from the fact that the similarly situated co-accused persons, have already been granted the privilege of bail by this Court, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-I Class, Supaul, in connection with Supaul P.S. Case No.338 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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