

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52978 of 2022

Arising Out of PS. Case No.-201 Year-2021 Thana- SHEKHPURA District- Sheikhpura

Shashi Bhushan Chaudhary, Son of Ram Lagan Chaudhary, Resident of
Village- Bihta, P.S. Sheikhpura (Hathiyawan O.P.), District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53215 of 2022

Arising Out of PS. Case No.-201 Year-2021 Thana- SHEKHPURA District- Sheikhpura

MALTI DEVI W/O SHASHI BHUSAN CHOUDHARY Resident of village-
Bihat, P.S.- Sheikhpura (Hathiyawan), District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 52978 of 2022)

For the Petitioner/s : Mr.Jitendra Narain Sinha

For the Opposite Party/s : Mr.Tarun Prasad Mandal

(In CRIMINAL MISCELLANEOUS No. 53215 of 2022)

For the Petitioner/s : Mr.Jitendra Narain Sinha

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-03-2023 Heard learned counsels for the petitioners and the
State.

Petitioners apprehend arrest in a case registered for
the offences punishable under Sections 147, 323, 324, 307, 506
and other allied sections of the Indian Penal Code.

As per prosecution case, these petitioners along with



other F.I.R. named accused persons assaulted the informant and his wife and other people who came to rescue the informant, by means of khanti and iron rod and lathi as a result of which, three persons sustained injury.

Learned counsel appearing for the petitioners submits that the F.I.R. has been lodged after inordinate delay of 10 days and there is no explanation for the same. It is further submitted that allegation of assault is general and omnibus and no specific overt act has been alleged against these petitioners. Lastly, it is submitted that the informant has received only 2 lacerated bone deep injuries which does not corroborate to the case of the prosecution.

However, learned counsel for the informant vehemently opposes the prayer for bail application and submits that there is specific allegation of assault and informant has sustained two grievous injuries.

Considering the specific allegation and two grievous injuries, prayer for bail of the petitioner with respect to Criminal Miscellaneous No. 52978 of 2022 namely, Shashi Bhushan Chaudhary is refused with direction to surrender and seek regular bail which would be considered and disposed of on its own merit without prejudice.



Considering the nature of accusation, let the petitioner with respect to Criminal Miscellaneous No. 53215 of 2022 namely, Malti Devi in the event of her arrest/surrender before the court below within a period of six weeks from today, 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 Chief Judicial Magistrate, Sheikhpura in Sheikhpura (Hathiyawan O.P.) P. S. Case No. 201 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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