

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56811 of 2023

Arising Out of PS. Case No.-638 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Harinarayan Choudhary Son Of Late Satyanarayan Choudhary @Satnarayan
Choudhary Resident Of Village- Lalguniya Raghukant, Ps- Samastipur
Muffasil, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2023 Heard Mr. Ravish Mishra, learned counsel for the
petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Samastipur Muffasil P.S. Case No.638 of 2022, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 326, 109 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly, all the accused persons including the petitioner variously armed with weapons, barged into the house of the informant and on the exhortation made by the petitioner all the accused persons brutally assaulted the informant, his father and other family members due to which they sustained serious injuries.



4. Learned counsel appearing on behalf of the petitioner by drawing the attention of this Court to the narrations made in the FIR submitted that from the FIR, it appears that the written report as has been given is in the form of an encyclopedia that too in the background of long-standing enmity between the parties. He further submits that though the incident has taken place at about 10:30 A.M. on 15.12.2022, but the FIR has been instituted on 16.12.2022 and the reason for the delay has not been explained. He further submits that in fact on account of land dispute a free fight has taken place between the persons of both the sides, wherein petitioner who is aged about 60 years has been brutally assaulted by the persons of informant's sides, due to which he was treated in DMCH hospital. He next submits that a declaratory Title Suit bearing No.122 of 2022 is also pending between the parties and moreover with regard to the same occurrence a Complaint case has also been filed by the wife of co-accused Dharamsila Devi against the informant and his family members. He lastly submits that petitioner is a man of fair antecedent and only he being Karta of the family, his name has been implicated with oblique motive.

5. On the other hand learned APP for the State



vehemently opposes the bail application and submits that the petitioner is said to be order giver and as such his complicity cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the allegation against the petitioner, of an order giver, apart from that there is a long-standing enmity between the parties, which resulted into case and counter case instituted from both the sides, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Judge-V-cum-Additional Chief Judicial Magistrate-II, Samastipur in connection with Samastipur Muffasil P.S. Case No.638 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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