

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60951 of 2023

Arising Out of PS. Case No.-125 Year-2023 Thana- BIDUPUR District- Vaishali

1. Bharat Bhushan Chaudhary @ Bharat Bhushan Chaurasiya, S/O Late Baleshwar Chaudhary @ Late Shankar Chaudhary, Resident Of Village- Panapur Dharampur, P.S- Bidupur, Distt.- Vaishali.
2. Mangal Chaudhary @ Manoj Kumar Chaurasiya, S/O Late Baleshwar Chaudhary, Resident Of Village- Panapur Dharampur, P.S- Bidupur, Distt.- Vaishali.
3. Kundan Kumar, S/O Bharat Bhushan Chaudhary @ Bharat Bhushan Chaurasiya, Resident Of Village- Panapur Dharampur, P.S- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63326 of 2023

Arising Out of PS. Case No.-125 Year-2023 Thana- BIDUPUR District- Vaishali

Prabhat Chaudhary @ Prabhat Kumar, S/O- Vishundeo Chaudhary, Village- Panapur Dharampur Ps- Bidupur Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 60951 of 2023)

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 63326 of 2023)

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are



apprehending their arrest in connection with Bidupur P.S. Case No. 125 of 2023, registered for the offences under Sections 342, 447, 323, 427, 307, 325, 435, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons, who were variously armed, came to the land of the informant and started assaulting him. Petitioner Prabhat Chaudhary @ Prabhat Kumar fired upon the informant and others with double barrel gun causing injuries to them. They also fractured the right leg of one Dinesh Rajak.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The present case is counter blast of Bidupur P.S. Case No. 124 of 2023 registered under Sections 341, 342, 447, 323 and other allied sections of IPC against the informant side. From the FIR, it is apparent that there is land dispute between the parties. The informant side forcibly wanted to grab the land of the petitioners and father of the petitioner, Prabhat Chaudhary gave a petition before the Sub-Divisional Court under Section 144 Cr.P.C. The present case has been lodged by the informant in order to save his skin. Injury report of the injured does not show any serious injuries on the victim. Injuries of informant



Veerchandar Rajak and Dinesh Rajak are merely abrasion on non-vital parts. There is no injury report of other victims. Moreover, allegation are mostly general and omnibus and there is no specific allegation against the petitioners. Even the injunction order was passed on 13.01.2022 in a proceeding under Section 145 of Cr.P.C. and the same was violated by the informant side. The informant side was deliberately constructed the hut on the place of occurrence. The petitioners are having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the background of land dispute and further considering the case and counter case between the parties and also considering the clean antecedent of the petitioners coupled with possibility of false accusation, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned



court in connection with Bidupur P.S. Case No. 125 of 2023,
subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the
petitioners.
- (ii) The petitioners will remain present on each and
every date fixed by the court below, if so required
by the learned trial court.

(Arun Kumar Jha, J)

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