

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61775 of 2023

Arising Out of PS. Case No.-240 Year-2023 Thana- PAKARIBARAW District- Nawada

CHANDAN CHAUDHARY SON OF PRABHU CHAUDHARY RESIDENT
OF VILLAGE - CHHATARWAR, POLICE STATION - PAKRI BARAWAN,
DISTRICT - NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 11-10-2023 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail,
arises out of Pakribarawan Police Station Case No. 240 of 2023,
disclosing offences under Section 307 and other allied sections
of the Indian Penal Code.
3. The prosecution story, as per the First Information
Report, is that on 05.06.2023 in the night hours, when the
informant was irrigating his field, accused Prabhu Chaudhary
arrived there and told the informant to irrigate his field first and
upon protest, one Sachin Kumar assaulted on the head of the
informant by means of *pajauna* (wooden article), due to which,
informant sustained head injury and one other accused Prabhu



Chaudhary gave *lathi* blow on the hand and leg of the informant.

4. Learned Counsel for the petitioner submits that both the parties are co-villagers and due to dispute regarding irrigation of the field of the petitioner, the present occurrence has taken place. He further submits that accused Sachin Chaudhary has been granted bail by the impugned order itself but although similar allegation has been levelled against the petitioner, the learned court below has rejected his bail application on the ground that the petitioner has concealed his criminal antecedent before the learned I/C Addl. Sessions Judge-I, Nawada. He next submits that the petitioner was accused in Excise PS case no. 365 of 2023, registered under Section 30(a) of Bihar Prohibition and Excise Act, which, inadvertently, could not be disclosed before the I/C Addl. Sessions Judge-I, Nawada. He also submits that the injury caused to the informant is simple in nature, by hard and blunt substance whereas the allegation levelled against the petitioner is that he has assaulted the informant by means of a sharp cutting weapon (Fasuli).

5. Learned Additional Public Prosecutor for the State vehemently opposed the prayer for bail.



6. Regard being had to the submissions made on behalf of the parties, taking into account the nature of injury, sustained by the informant to be simple in nature and the fact that the co-accused Sachin Kumar, having similar allegation, has been granted bail by the learned court below itself, I am inclined to grant the privilege of anticipatory bail to the petitioner.

7. This application is, accordingly, allowed.

8. Let petitioner, Chandan Choudhary, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st class, Nawada in connection with Pakribarawan Police Station Case No. 240 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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