

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69795 of 2023

Arising Out of PS. Case No.-278 Year-2023 Thana- NAWANAGAR District- Buxar

Lal Ji Choudhary @ Laljeet Chaudhary Son Of Baban Chaudhary Village-
Kesath Ps- Nawanagar Dist- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Nawanagar P.S. Case No. 278 of 2023 registered on 17.07.2023 for the alleged offences under Sections 341, 323, 307, 325, 354(A), 34 of the Indian Penal Code.

03. As per prosecution case, the petitioner and his brother entered into the house of the informant and molested her. When the informant raised alarm, the petitioner and co-accused assaulted her with spade and *rammi*, causing fracture of her head and hand. The other co-accused persons also assaulted the other family members of the informant. The occurrence took place in the backdrop of some earlier land dispute which was settled between the parties.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is land dispute between the parties and on 14.04.2023, a *Panchayat* was held and *Panchnama* was prepared. On the date of occurrence, i.e., on 17.07.2023, the father and other family members of the informant, who were variously armed, came at the door of the petitioner and brutally assaulted the petitioner and his brother. The petitioner and his brother were taken to hospital from where brother of the petitioner was referred to P.M.C.H. as his condition was serious and where after operation plate was fixed in his hand. As per injury reports, the petitioner's brother has sustained following injuries; (i) Multiple lacerated wound over head and face of different sizes (a) 1cm x 1cm on left zygomatic (b) 2cm x 0.5cm left forehead (c) 1.5cm x 0.5cm right side of nose (D) 2cm x 0.5cm mid part of upper lip (e) 1cmx0.5cm buccal surface of lower lip (f) 4cm x 1cm right temporo-parietal area, (ii) Stab wound of size 1cm x 1cm x 0.5 cm over right temporal area, (iii) Swelling around right elbow and base of right ring and little finger and (iv) Painful swelling around first and second toe of left foot. The injuries nos. (i), (ii) and (iii) are simple in nature, but injury no. (iv) appears to be grievous (Fracture Disati



Phalanx of the second toe and first toe). Learned counsel further submits that for the said occurrence, the petitioner lodged Nawanagar P.S. Case No. 279 of 2023 under Section 307 IPC and other allied sections of the Indian Penal Code against the prosecution side on 17.07.2023, in which, two persons of the informant's side have been granted bail by a Co-ordinate Bench of this Court vide order 01.11.2023 passed in Criminal Misc. No. 68762 of 2023. Learned counsel further submits that it is not believable that two persons assaulted five persons of the informant's side. As per injury report, four persons sustained injuries. The injury reports of the informant's side are collusive. No offence under Section 307 of the IPC is made out against the petitioner and other co-accused persons and other offences are bailable in nature. The petitioner is in custody since 18.07.2023 and charge-sheet has been submitted. The petitioner has got no criminal history.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and also considering the injury received by the petitioner and his brother and further



considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Nawanagar P.S. Case No. 278 of 2023 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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