

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69501 of 2022

Arising Out of PS. Case No.-443 Year-2022 Thana- SIKARPUR District- West Champaran

1. Kishun Chaudhary Son of Late Bhim Chaudhary Resident of village - Roari Nuniya Tola, Ward No.- 6, P.S.- Shikarpur, District - West Champaran.
2. Dhiraj Chaudhary Son of Kishun Chaudhary Resident of village - Roari Nuniya Tola, Ward No.- 6, P.S.- Shikarpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aditya Nath Jha, Advocate
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP
For the Informant	:	Mr. Ashok Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-04-2023 Heard learned counsel appearing on behalf of the parties.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioners are named in the F.I.R. and apprehending their arrest in connection with Shikarpur P.S. Case No.443 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 379 and 504/34 of the Indian Penal Code.

The allegation against above named petitioners is to assault informant and others by means of spade and *Garasa* causing bodily and head injury, having intention to cause their



death, where, occurrence is alleged to founded over cleaning of Government made road.

Learned counsel appearing on behalf of the petitioners submitted that as wife of petitioner No.1, namely, Kiran Devi, lodged a case against the informant and others, which has been registered as Shikarpur P.S. Case No. 442 of 2022, the present false case was lodged against these petitioners. It is submitted that injuries, which were reported after medical examination appears laceration, which ought not be caused by sharp cut weapon, as alleged and moreover, the nature of injuries as alleged to be caused by these petitioners, are simple in nature, which is appearing not sufficient to cause death in ordinary course of nature, negating the intention of petitioners to cause death of the informant and others. While concluding the argument, it is submitted that both petitioners are men of clean antecedent.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances of the case and by taking note of nature of injury, which is simple, let both above-named petitioners, in the event of their arrest or surrender before learned court below within a period of four weeks, are directed to be released on bail, furnishing bail bond



of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran /concerned Court, where the case is pending in connection with Shikarpur P.S. Case No.443 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

