

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71458 of 2023**

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

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Raj Narayan Choudhary @ Pravin Kumar Chaudhary (Male), aged about- 29 years, Son of Prabhu Narayan Choudhary @ Prabhu Narayan Chaudhari, resident of village - Laguniya Raghukanth, P.S. - Samastipur Muffasil, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Ms. Rina Sinha, A.P.P.

Mr. Rajiv Ranjan, Advocate

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      07-11-2023                      Heard Mr. Aryan Singh, learned counsel appearing on behalf of the petitioner and Ms. Rina Sinha, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Samastipur (Muffasil) P.S. Case No. 638 of 2022 registered for the offence 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. As per the allegation made in the FIR, all the accused persons named in the FIR including the petitioner had assaulted the informant and his family member by means of sword, farsa and pistol due to which, some of the family



member of the informant had sustained injury.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case due to land dispute. A title suit bearing T.S. No. 122 of 2022 is pending in the Court of Sub Judge- III, Samastipur and the informant is the party of the said title suit and in this regard, a specific statement has been made in para-8 of the present bail application. There is case and counter case between the parties. The parties may have undergone in fierce fight and both the sides may have sustained injury in their self defence. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of the informant submitted that the allegation against the petitioner is of firing upon Jai Kishun Chaudhary, who is the brother of the informant and had sustained injury and the injury report is reserved for the opinion of the doctor.

6. Learned APP for the State has supported the allegation made on behalf of the informant and vehemently opposed the prayer for grant of pre-arrest bail.

7. Having considered the rival submission made on behalf of the parties, as well as, the fact that the specific



allegation against the petitioner is that he had fired upon the brother of the informant, who had sustained injury and injury is reserved as would appearing from the impugned order passed by the learned District Court. Petitioner has stated in paragraph no. 11 that due to enmity, a false allegation has been levelled against the petitioner in the FIR. The matter relates to dispute with respect to the property of Ram Janki Mandir and a Title Suit bearing T.S. No. 122 of 2022 has been filed to decide the title of the respective parties. This Court would not go what would be the result of the title suit but what is apparent from the allegation made in the FIR is that allegation against the petitioner is of assaulting the brother of the informant by fire-arm and opinion of the doctor is reserved. The parties may have undergone in fierce fight and both the sides may have sustained injury in their self defence

8. Considering the aforesaid admitted position and in want of injury report, the learned District Court is directed to obtain the final injury report and if it is found that the injury is not grievous in nature, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees



Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of 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 Cr.P.C.

9. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

Niraj/-

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