

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73077 of 2023

Arising Out of PS. Case No.-386 Year-2019 Thana- BISFI District- Madhubani

1. NIRMALA DEVI S/o- RAM VILAS CHOUPAL Village- Parsa Ps- Bisfi Dist- Madhubani
2. Dhanush Choupal son of Kamal Choupal Village- Parsa Ps- Bisfi Dist- Madhubani
3. Kamal Choupal son of Late Hussaini Village- Parsa Ps- Bisfi Dist- Madhubani
4. Sanjay Choupal son of Bahadur Choupal Village- Parsa Ps- Bisfi Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 23-11-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in a case in connection with Bisfi P.S. Case No. 386 of 2019, GR No. 1009 of 2019 dated 29.12.2019 registered for the offences punishable u/ss 147, 149, 307, 323, 325, 341, 354, 504 and 506 of the Indian Penal Code but the cognizance for the offences has



been not been taken under section 307 of the IPC.

4. As per the prosecution case, the petitioners and the co-accused persons holding lethal weapons were constructing the house. On being objected, all the co-accused persons abused and the co-accused Anil Chaupal assaulted on the head of the informant which hit his right hand causing fracture injury. The co-accused Ram Bilas Chaupal assaulted him with Farsa causing cut injury on his finger and the co-accused Ashish Chaupal assaulted with brick. The co-accused Ashish Chaupal also assaulted Janak Paswan with iron rod due to that his two teeth were broken. It is further alleged that the co-accused Gurusharan Mahto tried to outrage the modesty of the informant's daughter during the course of assault.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. There is case and counter case between the parties. There is general and omnibus allegation against the petitioners. The specific allegation is against the co-accused Ashish Chaupal. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners and submitted that



the injury is grievous in nature.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Benipatti, Madhubani in connection with Bisfi P.S. Case No. 386 of 2019, GR No. 1009 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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