

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.708 of 2023

Arising Out of PS. Case No.-55 Year-2022 Thana- BAIRIYA District- West Champaran

1. Chandi Choudhary S/O Sidiyan Choudhary @ Sidhiyan Choudhary @ Shivdhyan Choudhary Resident of Village- Bairiya Ghosukpur, P.S.- Bairiya, District- West Champaran.
2. Sidiyan Choudhary @ Sidhiyan Choudhary @ Shdivdhyan Choudhary S/O Late Tilak Choudhary Resident of Village- Bairiya Ghosukpur, P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Advocate Mrs. Vaishnavi Singh, Advocate
For the Informant	:	Mr. Sanjeev Kumar, AUIN-550
For the Opposite Party/s	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 25-04-2023 1. Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.
2. Heard learned senior counsel for the petitioners, learned counsel for the informant and the learned APP for the State.
3. Petitioners seek regular bail in connection with Bairiya P.S. Case No. 55 of 2022 dated 04.03.2022 registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code and later on Section 302 of IPC was also added.

4. The main submissions advanced by learned senior counsel for petitioners are that as per the allegation levelled against the petitioner no. 1 in the FIR he is stated to have assaulted at the head of the informant by means of *farsa* but the injury report of the informant does not support the said allegation and moreover, the injuries of the informant have been opined to be simple in nature and have been caused by hard and blunt object, though in the instant matter one person namely, Noor Alam died but in respect of the said deceased there is no allegation against both the petitioners and petitioner no. 1 is alleged to be order giver and furthermore the instant matter relates to free fight in which petitioner no. 1 also sustained serious injuries regarding which the FIR at Annexure-2 was lodged by himself.

5. Learned counsel for the informant has vehemently opposed the bail prayer of the petitioners and submitted that against the petitioner no. 1 there is serious allegation and he does not deserve to the privilege of bail.

6. Having considered the above submissions and mainly the facts that informant sustained simple injuries as per his injury report available in the case diary and the allegation levelled against the petitioner no.1 in the FIR in respect of assaulting the

informant by means of *farsa* does not get corroboration from the injury report of the informant and against the petitioner no. 2 there is no specific allegation in the FIR and during investigation as per Investigating Officer, at the relevant time of the commission of the alleged occurrence both the parties assaulted each other by means of *lathi*, *danda* and *farsa*, in my opinion, it is a fit case for bail to the petitioners. Accordingly, let the petitioners named above be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of concerned Court in connection with Bairiya P.S. Case No. 55 of 2022.

(Shailendra Singh, J)

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