

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4081 of 2024

Arising Out of PS. Case No.-17 Year-2023 Thana- PIPRAKOTHI District- East Champaran

1. Rambhu Chaudhary Son Of Dhrup Chaudhary Resident Of Village - Dhekaha, Bishunpur, P.S. - Piprakothi, District - East Champaran
2. Chhabela Chaudhary Son Of Dhrup Chaudhary Resident Of Village - Dhekaha, Bishunpur, P.S. - Piprakothi, District - East Champaran
3. Niraj Chaudhary Son Of Dhrup Chaudhary Resident Of Village - Dhekaha, Bishunpur, P.S. - Piprakothi, District - East Champaran
4. Harishankar Chaudhary Son Of Bishwanath Chaudhary Resident Of Village - Dhekaha, Bishunpur, P.S. - Piprakothi, District - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2024 Heard Ms. Rashmi Jha, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Piprakothi P.S. Case No. 17 of 2023, registered for the offences punishable under Sections 147, 148, 149, 323, 324, 325, 354, 341, 379, 504 and 506 of the Indian Penal Code.

3. It is alleged that when the informant went to attend the feast in the neighbor house, in the mean time the petitioners and others named in the FIR variously armed came there and on



the exhortation made by co-accused Dhrup Chaudhary, the petitioner no. 1, Rambhu Chaudhary has assaulted the informant by means of dabia due to which he sustained injury in his hand. It is further alleged that when the father, mother and niece of the informant came to his rescue petitioner no. 2, Chhabela Chaudhary, assaulted all of them by means of iron rod due to which they sustained injuries. Further allegation has been leveled against all the accused persons of snatching the valuables and misbehaving with the family members.

4. Learned counsel appearing on behalf of the petitioners submits that both the parties are agnates and on account of a trifle a free fight has taken place, resulting into injuries to some of the persons of both the sides. She next submitted that petitioner nos. 1, 2 and 3 are son of Dhrup Chaudhary and all of them have been made accused in this case on account of enmity in the premise of land dispute. While drawing the attention of this Court to the impugned order, learned counsel for the petitioners made further submission that though the learned Court below while negating the prayer of the petitioners has taken note of paragraph no. 34, 35 and 36 of the case diary where the injuries of the injured are mentioned, but the nature of the injuries has not been disclosed and, as such,



it cannot be ruled out that the injuries are simple in nature and none else. She next submits that the petitioners are men of fair antecedent and they undertake before this Court that they will not indulge in such type of activities in future and will fully co-operate in the investigation and in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that so far the petitioner no. 1 and 2 are concerned, there is specific allegation against them that they assaulted the informant and his family members, due to which they sustained injuries.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that both the parties are agnates and the impugned order does not discuss the nature of the injury coupled with the fair antecedent of the petitioners and their undertaking, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate in connection with Piprakothi P.S. Case No. 17 of 2023, subject to the conditions laid down in



Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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