

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8959 of 2024

Arising Out of PS. Case No.-220 Year-2020 Thana- AMARPUR District- Banka

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1. Shiv Nandan Choudhary S/O Late Ajab Lal Choudhary Resident Of Village-Laungany, P.S.-Amarpur, District-Banka.
 2. Nakul Choudhary S/O Shiv Nandan Choudhary Resident Of Village-Laungany, P.S.-Amarpur, District-Banka.
 3. Ranjeet Choudhary S/O Shiv Nandan Choudhary Resident Of Village-Laungany, P.S.-Amarpur, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Mishra, Advocate
For the Opposite Party/s : Ms.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-02-2024

1. Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. At the outset, learned counsel for the petitioner submitted that petitioner no. 3, namely, Ranjeet Choudhary apprehended during the pendency of the present application, and as such, the prayer of anticipatory bail regarding petitioner no. 3 become infructuous and may be permitted to withdraw.

3. Considering the submission, prayer of anticipatory bail regarding petitioner no. 3 stands dismissed as withdrawn, having become infructuous.



4. Now this application survives against petitioner nos. 1 and 2, namely, Shiv Nandan Choudhary and Nakul Choudhary.

5. The accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Amarpur P.S. Case No. 220 of 2020, G.R. No. 1206 of 2020, registered for the offences punishable under Sections 341, 323, 307, 354(B), 379, 447, 504 and 506/34 of the Indian Penal Code.

6. The allegation against above named petitioners is to assault informant and others by using iron rod, causing head and bodily injuries, out of sand digging disputes from local pond.

7. Learned counsel appearing on behalf of the petitioners submitted that occurrence is free fight in nature and for same set of occurrence petitioners had also lodged case, which has been registered as Amarpur P.S. Case No. 221 of 2020. It is further submitted that all injuries sustained by injured are simple in nature and from the act and injuries, it cannot be gathered that petitioners were under intention to cause death of informant and her family members. It is submitted that petitioners are men of clean antecedents.

8. Learned APP, duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer



of bail submitted that injury was caused on the vital part of the body.

9. Considering the aforesaid facts and circumstances and by taking note of fact as injury caused by petitioners during the occurrence are simple in nature, where occurrence itself is free fight in nature negating *prima facie* intention to cause death, accordingly, both above named petitioner nos. 1 and 2, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, 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 C.J.M., Banka/concerned Court, where the case is pending in connection with Amarpur P.S. Case No. 220 of 2020, G.R. No. 1206 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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