

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9487 of 2024**

Arising Out of PS. Case No.-46 Year-2020 Thana- PRATAPGANJ District- Supaul

Mahendra Choudhary Son of Late Lakhichandra Choudhary R/o vill -  
Pratapganj, Bhawanipur Dakshin ward no. 11, P.S. - Pratapganj, Distt. -  
Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rupa Kumari

For the Opposite Party/s : Mr.Bharat Lal

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      21-03-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner apprehends his arrest in connection with Pratap Ganj P.S. Case No. 46 of 2020 registered under Sections 341, 323, 324, 325, 307, 354(a), 379, 504, 506 and 34 of the Indian Penal Code lodged on 19.03.2020 by the informant, Mishri Lal Choudhary.

3. As per the prosecution story, the informant alleged that when he returned home from the field, the accused persons assembled and assaulted due to land dispute. Allegation against Raja Choudhary is of assaulting with 'lathi' causing injury in her right hand and when the informant came to save his wife, he was also assaulted by this petitioner on head by means of



‘*farsa*’ causing injury. Allegation of snatching of gold top is also there. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the allegation against Raja Choudhary is of injuring the right hand which has been found to be grievous in nature. So far as allegation against this petitioner of assaulting on the head is concerned, the injury report that has come along with the case diary shows the same to be simple in nature. He do not have criminal antecedent.

5. Further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the ‘NAZARAT’ of concerned Court to be handed over to the informant after checking the credentials.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the allegation is that he assaulted by ‘**farsa**’ on the head.

7. Taking into account the submissions put forward by the parties as also the fact that the injuries sustained by the



victim given by this petitioner has been found to be simple in nature, do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail, subject to payment of Rs. 10,000/- as stated above.

8. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Birpur, Supaul in connection with Pratap Ganj P.S. Case No. 46 of 2020, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

**(Rajiv Roy, J)**

Jagdish/-

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