

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11212 of 2024

Arising Out of PS. Case No.-907 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

1. Dityanand Chaudhary @ Sanjay Chaudhary Son of Late Lalbahadur Prasad R/o Village Shivpur, P.S. Bhabua, District- Kaimur at Bhabua
2. Abhishek Chaudhary @ Rinku Chaudhary Son of Late Lalbahadur Prasad r/o Village- Shivpur, P.S. Bhabua, District- Kaimur at Bhabua
3. Arvind Kumar Son of Late Lalbahadur Prasad r/o Village- Shivpur, P.S. Bhabua, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Ms. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-03-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 379, 327 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioner No. 3 is a person with clean antecedent, petitioner No. 1 has antecedent of two cases and petitioner No. 2 has antecedent of one case. It is next submitted that petitioners and the informant are own brother and the informant alleges that a family partition had taken place in the family and after the



family partition, he started construction on the land allotted in his share which was objected by the petitioners on which an altercation took place and thereafter it is alleged that the petitioners obstructed the informant from starting the construction and also assaulted and snatched golden chain and cash of Rs. 5,600/- and damaged the installed cameras.

4. The learned counsel submits petitioners have been falsely implicated in the present case, it is next submitted that from perusal of allegation as alleged in the FIR, it would manifest that petitioners are brother of the informant, it is also submitted that the dispute is purely civil to which a criminal colour has been given, it is next submitted that no doubt allegation of assault is there but then the same is not specific and allegation of snatching gold chain and money is ornamental. It is further submitted that the injured has not received any serious injury.

5. The learned APP along with the learned counsel appearing on behalf of OP No. 2 opposes the prayer for anticipatory bail of the petitioners but are not in a position to rebut the submission of the learned counsel for the petitioners that petitioners and informant are own brothers and the allegation of assault is general and omnibus in nature and no



serious injury has been caused to the injured.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bhabua P.S. Case No. 907 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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