

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14463 of 2024

Arising Out of PS. Case No.-288 Year-2023 Thana- THawe District- Gopalganj

1. Mukesh Choudhary Son of Chamcham Choudhary Resident of Village- Udant Rai Ke Bangra, P.S.- Thawe, District- Gopalganj
2. Ashok choudhary Son of Chamcham Choudhary R/o Village- Udant Rai Ke Bangra, P.S.- Thawe, District- Gopalganj
3. Chamcham Choudhry S/o Late Ramdani Choudhary R/o Village- Udant Rai Ke Bangra, P.S.- Thawe, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj Singh, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Thawe P.S. Case No. 288 of 2023, registered for the alleged offence under Sections 341, 323, 324, 325, 307, 504, 506/34 of the Indian Penal Code.

03. As per prosecution case, the petitioners and other co-accused persons armed with iron rod, *lathi*, *danda* and *farsa* abused and assaulted the informant and his brother, causing a number of injuries to them.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this



case due to land dispute between the parties. The petitioner and the informant are co-villagers and next door neighbour. The present case is counterblast of Thawe P.S. Case No. 287 of 2023 lodged by co-accused Shivji Chaudhary with similar allegation. The injury reports of the informant and his brother show simple injuries. Further, there is no allegation of assault on the informant against the petitioners. Learned counsel further submits that in the background of case and counter case of the parties, free fight took place and both sides received injuries. The informant side are aggressor and hence no offence under Section 307 of IPC is made out against the petitioners. The petitioners have go no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the case and counter case of the parties and further considering the simple nature of injuries and possibility of false implication, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Gopalganj/concerned court in connection with Thawe
P.S. Case No. 288 of 2023, subject to the condition laid down
under Section 438(2) of the Code of Criminal Procedure and other
following conditions:

- (i) One of the bailors will be a close relative of the
petitioners.
- (ii) The petitioners will remain present on each and
every date fixed by the court below, if so required
by the learned trial court.

(Arun Kumar Jha, J)

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