

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10824 of 2024

Arising Out of PS. Case No.-316 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

-
1. Raj Kumar Choudhary S/o Late Shiwan Choudhary R/o Jitwarpur, P.S. - Samastipur, Dist. - Samastipur
 2. Navin Kumar S/o Raj Kumar Choudhary R/o Jitwarpur, P.S. - Samastipur, Dist. - Samastipur
 3. Abhishek Kumar S/o Raj Kumar Choudhary R/o Jitwarpur, P.S. - Samastipur, Dist. - Samastipur
 4. Saurabh Kumar S/o Amarjeet Sahni R/o Jitwarpur, P.S. - Samastipur, Dist. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Choudhary
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 11-03-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners are apprehending their arrest in connection with Samastipur (Muffasil) P.S. Case No. 316 of 2023 registered for the offences punishable under Sections 341, 323, 324, 307 and 379/34 of the Indian Penal Code.
3. As per prosecution case, petitioners are said to have armed with iron rod and bamboo. It is alleged that Raj Kumar Chaudhary (petitioner no.1) and Navin Kumar (petitioner no. 2) assaulted informant by means of iron rod as a



result of which her head sustained injury and when informant's son came to rescue her, then, petitioners assaulted him by iron rod and bamboo. It is further alleged that Navin Kumar (petitioner no. 2) and Abhishek (petitioner no.3) snatched the gold *jitia* and *dholna* of the informant.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners bear no criminal antecedent. He further submits that ,though, there is specific allegation against two of the petitioners namely Raj Kumar Chaudhary and Navin Kumar to assault informant but injury sustained by the informant is only one and same is not supporting the allegation made in the FIR and allegation against the other petitioners are quite vague. Learned counsel further submits injury upon informant's son is only one, though, there is allegation against four of the petitioners who said to have assaulted the informant's son. It is further been submitted that there is a case and counter case between both the parties and free fighting cannot be ignored. The allegation of snatching gold and other items are ornamental in nature.

5. The learned A.P.P. for the State opposes the



prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. II, Samastipur in connection with Samastipur (Muffasil) P.S. Case No. 316 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

vashudha/-

U		T	
---	--	---	--

