

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29119 of 2024

Arising Out of PS. Case No.-10 Year-2023 Thana- THAKRAHA District- West Champaran

Chandramohan Kushwaha @ Chandra Mohan Kushwaha Son Of Rajendra
Kushwaha Resident Of Village - Siswaniya, P.S. - Thakraha, District - West
Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 28-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Thakraha P.S. Case No. 10 of 2023 registered on 28.01.2023 for the alleged offences under Sections 147, 148, 149, 341, 323, 324, 307, 354, 379, 504 and 506 of the Indian Penal Code.

03. As per prosecution case, petitioner and other co-accused persons assaulted the informant and his family members causing a number of injuries to them in the background of some land dispute.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this



case. Admittedly, there is a land dispute between the parties. Due to the said land dispute, informant's side came and started assaulting the members of the petitioner's side in which they received some injuries and for this reason co-accused Rajendra Kushwaha has lodged an FIR bearing Thakraha PS Case No. 09/ 2023 under Section 307 and other Sections of the I.P.C. The present case is counter case of Thakraha PS Case No. 09/ 2023. There is no specific allegation of assault against this petitioner rather there is general and omnibus allegations against all the accused persons. Though, it has been alleged that the petitioner and other co-accused persons assaulted the two sons of the informant with *gada* but it is no specific as to whom the petitioner has assaulted. However, in a group fight between the two groups, the sons of the informant, have received simple injuries. Prosecution has failed to explain the injury sustained by the petitioner's side. In the aforesaid facts and circumstances, no case under Section 307 IPC is made out against the petitioner and other offences mentioned in the FIR are simply super addition just to make the case graver. The petitioner has got 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 injury reports which merely show abrasions and swelling and further considering the counter version, let the petitioner above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Bagaha, West Champaran/concerned court in connection with Thakraha P.S. Case No. 10 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 petitioner.
- (ii) The petitioner 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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