

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25490 of 2024

Arising Out of PS. Case No.-441 Year-2022 Thana- BAGHA District- West Champaran

Bhutan Choudhary @ Bhutan Chaudhary S/O Late Mukhi Choudhry R/O
Sahasraw, P.S- Bhairoganj, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Mr. Umesh Kumar Gupta, learned counsel for
the petitioner and Mr. Rajendra Prasad Nat, learned APP for the
State.

2. The petitioner is apprehending his arrest
connection with Bagaha (Bhairoganj) P.S. Case No. 441 of 2022,
F.I.R. dated 18.06.2022 registered for the offences punishable
under Sections 341, 323, 324, 308, 379, 504, 506 and 34 of the
Indian Penal Code.

3. Allegation against the petitioner is that when the
informant came from his field then the accused petitioner started
abusing and beating him with sticks and when his wife Lalpari
Devi niece Manju Kumari came to rescue then the accused
petitioner started assaulting them also. It is further alleged that
accused petitioner gave one lathi blow on head of his niece as a



result of which her head was fractured and blood oozed out.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case due to admitted land dispute between the parties and prior to the present F.I.R. the petitioner's side has filed Bagaha (Bhairoganj) P.S. Case No. 440 of 2022 against the family members of the informant and from perusal of the F.I.R. it appears that there is specific allegation against the petitioner that he has assaulted to Manju Kumari who happens to be the niece of the informant and although she has received injury but the injury report of the injured person suggests that the injury is simple in nature.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts that the petitioner having clean antecedent and the injury received by the injured person is simple in nature, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate First, Bagaha, West Champaran in connection with Bagaha (Bhairoganj) P.S. Case No. 441 of 2022, subject to the conditions



as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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