

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34820 of 2024

Arising Out of PS. Case No.-50 Year-2024 Thana- PARBATTa District- Khagaria

-
1. Amar Chaudhary, Son Of Late Surendra Chaudhary, Village-Mathurapur, P.S. -Parbatta, Distt.- Khagaria
 2. Bhanu Chaudhary, Son Of Late Surendra Chaudhary, Village-Mathurapur, P.S. -Parbatta, Distt.- Khagaria
 3. Sanjay Kumar @ Banke, Son Of Late Surendra Chaudhary, Village-Mathurapur, P.S. -Parbatta, Distt.- Khagaria
 4. Sandeep Kumar @ Putul, Son Of Late Surendra Chaudhary, Village-Mathurapur, P.S. -Parbatta, Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-05-2024 Heard Mr. Ranjeet Kumar Singh, learned counsel appearing on behalf of the petitioners and Mr. Shyam Bihari Singh, learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Parbatta P.S. Case No. 50 of 2024, registered for the offences punishable under Sections 341, 323, 324, 307, 379, 385, 447, 504, 506 and 34 of the Indian Penal Code.

3. Based upon the written report, the prosecution case alleges that while the petitioners were indulged in illegally constructing house on the ancestral land of the informant and



when the same was protested, all the FIR named accused persons including the petitioners brutally assaulted the informant and his wife. It is specifically alleged that petitioner no. 2 assaulted the wife of the informant by means of iron rod on her leg due to which she sustained a fracture injury. Further allegation of snatching the valuables has also been levelled against the petitioners.

4. Learned counsel for the petitioners referring to the FIR submits that prima facie the genesis of the occurrence is said to be a land dispute giving rise to case and counter case. There is a counter version of the present case, being Parbatta P.S. Case No. 53 of 2024 instituted against the informant and others. It is further contended that both the parties are own gotiyas and co-sharer of land. But due to some differences in partition of land a free fight has taken place causing injuries to persons of both the sides. Referring to the injury report learned advocate for the petitioner submitted that in fact the wife of the informant has sustained injury because of the stampede and moreover the injury is on the non-vital part. It is lastly contended that the petitioners having fair antecedent undertake before this Court that they will not indulge in such type of activities in future.



5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the relationship between the parties and the free fight on the premise of land dispute coupled with the fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria, in connection with Parbatta P.S. Case No. 50 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

supratim/-

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

