

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40062 of 2024

Arising Out of PS. Case No.-127 Year-2023 Thana- CHANDRAMANDI District- Jamui

1. Bhuwneshwar Chaudhri @ Bhuneshwar Chaudhary Son of Late Bashrak Chhouthari @ Basraj Chaudhary R/O Vill.- Chorghara, P.S.- Chandaramandi, Dist.- Jamui
2. Rekha Devi W/O Bhuneshwar Chaudhri @ Bhuneshwar Chaudhary R/O Vill.- Chorghara, P.S.- Chandaramandi, Dist.- Jamui
3. Priti Devi @ Priti Kumari W/O Karu Choudhary R/O Vill.- Chorghara, P.S.- Chandaramandi, Dist.- Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-07-2024 Heard Mr. Pankaj Kumar Sinha, learned counsel appearing on behalf of the petitioners and Mr. Narendra Kumar Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Chandramandi P.S. Case No. 127 of 2023, registered for the offence punishable under Sections 341, 323, 308, 504, 506 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioners along with other accused persons had assaulted the informant and her husband by means of *Lathi-Danda* and *Rod* etc., due to which, they had sustained injuries.

4. Learned counsel appearing on behalf of the



petitioners submitted that petitioners are innocent and have falsely been implicated in the present case due to land dispute. There is case and counter case between the parties for the same incidence. The doctor has opined that the injuries sustained by the informant and her husband are simple in nature. Both the parties entered into fierce fight, in which, the petitioners may have caused some injury on the person of the informant and informant side without any intention. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that there is case and counter case between the parties for the same incidence. Both the parties entered into fierce fight, in which, the petitioners may have caused some injury on the person of the informant and informant side without any intention, in their self defence. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be



released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Jamui, in connection with Chandramandi P.S. Case No. 127 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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