

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40418 of 2024

Arising Out of PS. Case No.-106 Year-2023 Thana- BELDOUR District- Khagaria

Sunil Chaudhari @ Sunil Kumar, aged about 20 years, (M), SON OF MUNGO CHAUDHARY, Resident of VILLAGE- DAYADAS BASA BHAKHNABASA, BASANBARA, PS- ALAMNAGAR, DIST- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-07-2024 Heard Mr. Sharda Nand Mishra, learned counsel appearing on behalf of the petitioner and Mr. Ram Sevak Choudhary, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Beldour P.S. Case No. 106 of 2023 registered for the offence(s) punishable under Sections 341, 323, 325, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the allegation made in the FIR, 10-12 unknown persons assaulted the informant and his son by means of but of the rifle and also made bullet shot.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent. Petitioner is not named in the FIR and the FIR is against 10-12 unknown



persons. The petitioner's side lodged FIR in the year 2012 and there is pending land dispute between the parties. Petitioner has been dragged in a false case on false accusation. Petitioner has clean antecedent. On these grounds, learned counsel submits that the petitioner deserves to be released on pre-arrest bail.

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

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that from the opinion of the doctor who had examined the victim, it appears that no injury has been found on the person of the informant or his son and at the same time, mutation appeal case is pending between the parties and petitioner's side had lodged FIR against the informant long back in the year 2012, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Khagaria in connection



with Beldour P.S. Case No. 106 of 2023, subject to the conditions 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 petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

Sanjay/-

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