

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45662 of 2024

Arising Out of PS. Case No.-352 Year-2023 Thana- CHAKAI District- Jamui

1. Rohit Choudhary Laljit Choudhary R/O- Village- Chilkhari (SAROUN),
P.S.- Chakai, District- Jamui
2. Baban Kumar Choudhary @ Baban Choudhary Son Of Laljit Choudhary
R/O- Village- Chilkhari (SAROUND) P.S.- Chakai, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Musowir, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. Learned counsel for the petitioners seeks permission to withdraw the bail application of petitioner No. 2, namely, Baban Kumar Choudhary @ Baban Choudhary as he has been arrested by the police.

3. Permission is accorded.

4. Accordingly, the bail application of petitioner No. 2, namely, Baban Kumar Choudhary @ Baban Choudhary is dismissed as withdrawn.

5. So far as petitioner No. 1, namely, Rohit Choudhary is concerned, he apprehends his arrest in connection with Chakai P.S. Case No. 352 of 2023 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324,



325, 307 and 504 of the IPC.

6. As per prosecution case, accused persons assaulted the informant and others by means of farsa, iron rod, due to which the informant and others sustained injuries.

7. Learned counsel for the petitioner No. 1 submits that petitioner No.1 is innocent, committed no offence and has falsely been implicated in this case. He further submits that there is land dispute between the parties. Petitioner No. 1 has got no criminal antecedent as stated in paragraph 3 of the application.

8. Learned APP for the State opposes the prayer for anticipatory bail of the petitioner No.1.

9. On perusal of the FIR, injury report and impugned order dated 29.02.2024, it appears that on the basis of written report of the informant FIR was registered against other co-accused persons including the present petitioner No.1. From perusal of injury report, it appears that following injuries found on the person of the victim: (i) Alleged assaulted (ii) A cut of 4 inch X 0 cm X 0.25cm on scalp (iii) Pain & Swelling of left leg and found grievous in nature caused by hard and blunt substance but above injuries are not on vital part of the body of the victim and injuries found to be simple in nature.



10. Considering the facts and circumstances of the case, as well as the fact that all the injuries found on the person of the victim is simple in nature, let the petitioner No. 1, namely, Rohit Choudhary be released on anticipatory bail in the event of his arrest or surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jamui in connection with Chakai P.S. Case No. 352 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ramesh Chand Malviya, J)

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