

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45734 of 2024

Arising Out of PS. Case No.-318 Year-2018 Thana- WARISLIGANJ District- Nawada

1. Arjun Chaudhary S/o Chandra Chaudhary Resident of village Sherpur PS Warisaliganj district Nawada
2. Gauri Devi W/o Arjun Chaudhary Resident of village Sherpur PS Warisaliganj district Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Warisaliganj P.S. Case No. 318 of 2018, registered on 06.09.2018, for the alleged offence under Sections 341, 323, 504 and 308 of the Indian Penal Code.

03. As per prosecution case, petitioners and co-accused assaulted the wife of the informant with *lathi* and iron rod, causing injuries to her.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this



case. The informant is the own brother of petitioner no. 1 and the occurrence took place due to land dispute. Some hot talk and free fighting took place between the family members of both sides and no occurrence as alleged has ever taken place. The petitioners have been given benefit of Section 41(A) of Cr.P.C.. However, the learned trial court took cognizance on 30.04.2019 under Sections 341, 323, 504, 308/34 of IPC against the petitioners. Learned counsel further submits that no offence under Section 308 of IPC is made out against the petitioners and other offences are bailable in nature. There is no injury report on record and it appears from the rejection order of anticipatory bail petition that two injuries were found on the head of the informant but there is no allegation against the petitioner for causing any injuries to the informant. The petitioners are having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the family dispute of the parties and possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight



weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of court concerned, Nawada in connection with Warisaliganj P.S. Case No. 318 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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