

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52068 of 2024

Arising Out of PS. Case No.-84 Year-2022 Thana- MAHUA District- Vaishali

Sudhir Choudhary @ Sudhir Kumar Chaudhary Son of Narendra Prasad Chaudhri Resident of Village - Chakmajahid, P.S.- Mahua, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-12-2024 Heard Mr. Nachiketa Jha, learned counsel for the petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Mahua P.S. Case No. 84 of 2022 for the offence under Sections 341, 323, 307, 379, 3548, 504, 506 and 34 of the I.P.C. lodged on 09.02.2022 by the informant, Naresh Chaudhary.

3. As per the prosecution story, the allegation is that the accused persons armed variously came and then Sudhir Chaudhary assaulted the informant causing injury on his head. The allegation against other accused persons is/are of outraging the modesty of his wife. The injured was taken to Mahua Hospital and then to Hajipur Sadar Hospital. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that there is case and counter case, the petitioner's side has also suffered. The injury has been found to be simple in nature though it is on parietal region, only to exaggerate outraging the modesty of the lady has been attributed though he concedes that the petitioner has criminal antecedent.

5. It is his submission that the other co-accused have been granted bail in Cr. Misc. No. 29876 of 2024 (Narendra Prasad Choudhary & Ors. vs. the State of Bihar).

6. Learned APP, Bharat Bhushan on the other hand opposes the prayer submitting that the specific allegation is against this petitioner that he gave blow on the head of the injured who has lodged the FIR from the Emergency Ward of the Hospital. Further, though relief was granted to other accused, in the present case, the petitioner has criminal antecedent. The last submission is that the case of the year 2022, the petitioner evaded arrest for two years and in between has also been implicated in Mahua P.S. Case 449 of 2023 lodged on 13.07.2023 i.e. one year after the present occurrence.

7. Having gone through the facts of the case as also the submissions of the parties, this Court finds force in the submissions put forward by the learned APP. There is specific



allegation against the petitioner that he gave blow on the head of the injured, he has criminal antecedent and has taken two years to come to this Court and only after the other co-accused granted relief on 21.05.2024, in that background, no relief can be granted to him.

8. The anticipatory bail application stands rejected.

(Rajiv Roy, J)

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