

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51383 of 2024

Arising Out of PS. Case No.-521 Year-2023 Thana- PAROO District- Muzaffarpur

1. Laxman Chaudhari @ Laxman Chaudhary Son of Late Ramashary Chaudhari @ Late Ramashrya Chaudhary R/o Village- Khutahi, P.S.- Paroo, District- Muzffarpur
2. Anit Kumar @ Bholtage@Amit Kumar Son of Late Raja Chaudhari @ Late Raja Chaudhary R/o Village- Khutahi, P.S.- Paroo, District- Muzffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha
For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Paroo P.S. Case No. 521/2023 registered for the offences punishable under Sections 341, 323, 325, 307, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioner no. 1 is said to have assaulted Saurav Kumar by means of knife as a result of which he sustained injury. It is also alleged that petitioner no. 1 assaulted informant's husband by means of stone. It is further alleged that petitioner no. 2 assaulted the informant's husband by means of knife upon his neck which hit upon his head as a result of which he sustained injury. It is further alleged that petitioners



have attacked the informant husband by means of knife.

4. Learned counsel for the petitioners submits that there is case and counter case between the parties. He further submits that petitioner no. 1 has filed Paroo P.S. Case No. 518 of 2023 (Annexure-2) prior to lodging the present case i.e. Paroo P.S. case No. 521 of 2023 by the informant and the present case is nothing but the counter blast of the earlier case filed by the petitioner no. 1. He further submits that there is previous enmity between the parties as para 3 of the petition clearly indicates that petitioners bear criminal antecedent of one case which has been filed by the informant of the present case. Learned counsel at Para 8 of the petition submitted that on the basis of agreement signed on 16.11.2016 between the petitioner no. 1 and informant's husband, the informant's husband took Rs. 10,00,000/- in lieu of the land bearing Khata No. 117, Khesra No. 725, 734 and after gap of long time informant's husband claims right on the home constructed by the petitioners.. He further submits that petitioners have falsely been implicated in the present case on account of previous enmity. He further submits that all the injuries are simple in nature. He further submits that from the perusal of F.I.R., it appears that occurrence took place on 05.12.2023 and the F.I.R. was lodged on 06.12.2023 and it is produced before the concerned Jurisdictional Magistrate on 14.12.2023. There is inordinate delay



of about eight days in producing the FIR before the concerned Jurisdictional Magistrate which questions the veracity and authenticity of the prosecution story.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners by submitting that petitioners are said to have assaulted informant’s husband and informant’s son. Hence, they do not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Muzaffarpur (West) in connection with Paroo P.S. Case No. 521 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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