

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59279 of 2024

Arising Out of PS. Case No.-290 Year-2023 Thana- BARHARA District- Bhojpur

1. Rajkumar Chaudhary S/o Bharat Choudhary R/o vill - Baluan, P.S. - Krishnangadh (O.P), Distt. - Bhojpur
2. Amit Kumar Chaudhary @ Amrit Chaudhary S/o Bharat Choudhary R/o vill - Baluan, P.S. - Krishnangadh (O.P), Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Kumar Mishra

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-10-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Barhara (Krishnagarh) P.S. Case No. 290 of 2023 dated 15.05.2023 registered for the offence under Sections 341, 323, 307, 504 and 506 / 34 of the I.P.C. and later on Section 302 I.P.C. was added on 29.05.2023.

3. As per the prosecution case on 03.05.2023 the husband of the informant had gone to work as a labour in the Tilak ceremony at the house of Suraj Sah and was serving food. The petitioner no. 1 / Raj Kumar Chaudhary and the petitioner no. 2 / Amit Kumar Chaudhary @ Amrit Chaudhary and the co-accused / Dhiraj Choudhary demanded hot "Puri" and



“Dahibara” due to which dispute arose. After the ceremony was over, while the husband of the informant was returning to his home on the way the petitioner nos. 1 & 2 and the co-accused / Dhiraj Choudhary surrounded him and assaulted him by means of “lathi” and “danda” on the head of informant’s husband. During treatment at P.M.C.H. the husband of the informant succumbed to injuries.

4. Learned counsel for the petitioners submits that petitioners have not committed any offence as alleged in the F.I.R. and they have falsely been implicated. The occurrence had taken place on 03.05.2023 but the F.I.R. was lodged after delay of twelve days on 15.05.2023. The petitioners and the informant are agnate and there is admitted land dispute between the parties. There is no eye witness to the occurrence.

5. I have heard learned counsel for the parties and have perused the materials available on record. The petitioners are specifically named in the F.I.R. The petitioners assaulted the husband of the informant on the vital part of the body i.e. on the head by means of “lathi” and “danda”. The learned Sessions Judge, Bhojpur, Ara while refusing the anticipatory bail has recorded that the informant in her re-statement has fully supported the prosecution story in paragraph no. 2 of the case



diary. In paragraph nos. 23, 24 & 25 of the case diary the independent witnesses have supported the factum of occurrence. Paragraph no. 45 of case diary contains the inquest report in which it has been indicated that death was caused due to head injury.

6. In view of the aforesaid, I do not find any illegality and / or irregularity in the order of the learned Sessions Judge, Bhojpur, Ara warranting interference by this Court. Accordingly, the prayer for grant of anticipatory bail is rejected.

(Anil Kumar Sinha, J)

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