

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61161 of 2024

Arising Out of PS. Case No.-188 Year-2024 Thana- BAIRIYA District- West Champaran

1. Duryodhan Chaudhary Son of Late Ram Subhak Chaudhary @ Late Ram Sukel Chaudhary Village- Tumkadiya, P.S.- Bairiya, Dist.- West Champaran, Bettiah
2. Akhilesh Kumar @ Akhilesh Chaudhary Son of Late Ram Subhak Chaudhary @ Late Ram Sukel Chaudhary Village- Tumkadiya, P.S.- Bairiya, Dist.- West Champaran, Bettiah
3. Bali Chaudhary @ Baliram Choudhary @ Banki Chaudhary Son of Late Methi Chaudhary @ Manshi Chaudhary Village- Tumkadiya, P.S.- Bairiya, Dist.- West Champaran, Bettiah
4. Nagina Chaudhary @ Nagindra Chaudhary Son of Late Methi Chaudhary @ Manshi Choudhary Village- Tumkadiya, P.S.- Bairiya, Dist.- West Champaran, Bettiah
5. Santosh Chaudhary @ Santosh Kumar Son of Nagina Chaudhary @ Nagindra Chaudhary Village- Tumkadiya, P.S.- Bairiya, Dist.- West Champaran, Bettiah
6. Guddu Kumar Son of Bali Chaudhary @ Baliram Chaudhary @ Banki Chaudhary Village- Tumkadiya, P.S.- Bairiya, Dist.- West Champaran, Bettiah
7. Niranjana Kumar Son of Bali Chaudhary @ Baliram Chaudhary @ Banki Chaudhary Village- Tumkadiya, P.S.- Bairiya, Dist.- West Champaran, Bettiah
8. Rajababu @ Raja Kumar @ Rajendra Kumar Son of Bali Chaudhary @ Baliram Chaudhary @ Banki Chaudhary Village- Tumkadiya, P.S.- Bairiya, Dist.- West Champaran, Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aditya Nath Pandey, Advocate Ms. Neha Kumari, Advocate Mr. Yeshoneel Ratan, Advocate
For the Opposite Party/s :		Mr.Md. Fahimuddin, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 18-09-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.



2. The petitioners apprehend their arrest in connection with Bairiya P.S. Case No. 188 of 2024 dated 03.06.2024 registered for the offence(s) punishable under Section(s) 341, 323, 324, 308, 379, 504 read with Section 34 of the Indian Penal Code.

3. As per the prosecution, the informant alleged that these petitioners over previous enmity due to a land dispute running in between them started abusing and upon raising objection petitioner no. 2 Akhilesh Chaudhary assaulted the informant's son at his left leg by means of an iron rod and petitioner no. 3 Bali Chaudhary, assaulted the informant by means of a *farsa* at his head. Further it is alleged that petitioner no.4 Nagina Choudhary, snatched a sum of Rs. 10,000/- from the informant's pocket.

4. Mr. Aditya Nath Pandey, learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in this case due to a land dispute. He further submits that petitioner no. 3 had earlier filed Bairiya P.S. Case No. 187 of 2024 against the informant and his family members, thereafter the present case was lodged as counterblast. Furthermore, the opinion of the injury has been reserved by the doctor and there is contradiction regarding the alleged weapons.



5. Learned APP appearing for the State has opposed the bail prayer of the petitioners.

6. Heard both the sides and perused the FIR, injuries reports of the injured persons filed by the petitioner as Annexure-4 series as well as order impugned. As per the allegation, the petitioner no. 3 (Bali Chaudhary @ Baliram Choudhary @ Banki Chaudhary) inflicted a *farsa* blow at the head of the informant and in this regard, his injury report is relevant which shows that he sustained one incised wound. Considering the nature of allegation appearing against **petitioner no. 3 (Bali Chaudhary @ Baliram Choudhary @ Banki Chaudhary)**, this court is not inclined to grant the relief of anticipatory bail. Accordingly, **his anticipatory bail prayer stands rejected.**

7. So far as the prayer of other petitioners is concerned, there is no specific allegation against them except the petitioner no. 2, Akhilesh Kumar @ Akhilesh Chaudhary, who is said to have assaulted the informant's son by means of an iron rod but the same is alleged to have been inflicted at the non-vital part of his body and further as per the injury report of the informant's son, swelling on the left hand and left leg was found and the final opinion has not been given by the Doctor



concerned. Considering these facts and above submissions as well as a land dispute running in between both the parties at the relevant time which is said to be the genesis of the occurrence, in my opinion, a lenient approach can be taken in respect of the said petitioners. Accordingly, let the **petitioner no. 1 (Duryodhan Chaudhary), petitioner no. 2 (Akhilesh Kumar @ Akhilesh Chaudhary), petitioner no. 4 (Nagina Chaudhary @ Nagindra Chaudhary), petitioner no. 5 (Santosh Chaudhary @ Santosh Kumar), petitioner no. 6 (Guddu Kumar), petitioner no. 7 (Niranjan Kumar) and petitioner no. 8 (Rajababu @ Raja Kumar @ Rajendra Kumar)** in the event of their arrest/surrender before the learned court below within a period of six weeks from today, **be released on anticipatory bail in connection with Bairiya P.S. Case No. 188 of 2024** on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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