

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62252 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- AGRER District- Rohtas

Radhe Chaudhary Son of Late Rameshwar Chaudhary R/o Village-Turki, P.S.-
Agrer, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate
For the Opposite Party/s : Mr. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Agrer P.S. Case No. 14 of 2024 registered for the alleged offence under Sections 147, 149, 323, 341 and 307/34 of the Indian Penal Code.

03. As per prosecution case, the co-accused persons assaulted the son of the informant and when the informant went to their house for scolding them, the petitioner and other co-accused persons assaulted the informant and her brother with *lathi* and rod, causing injuries to them.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case due to old enmity. There is general and omnibus allegation against



all the accused persons and there is no specific allegation against this petitioner. Learned counsel further submits that from the injury reports of the victims, it appears that both of them received one injury each and nature of injuries is simple and are of very small dimensions 1 ½” x ½” x ¼” (both injuries) on the heads. There is dispute over street and drainage and the instant occurrence took place in the background of quarrel between the children of both sides. The petitioner and informant's side are agnates and the informant has implicated the entire family members of the petitioner. Learned counsel further submits that no offence under Section 307 IPC is made out on the facts and circumstances of the case. Moreover, there is delay in lodging the FIR and for an occurrence of dated 29.02.2024, the FIR has been registered on 02.03.2024 and there is an apparent delay in lodging the FIR without any explanation for the same. The petitioner is having antecedent of one case of the year 2005 and he is on bail in that case.

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 simple and superficial nature of injuries of the victims and further considering the non-specific nature of allegation against the



petitioner, let the petitioner above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Sasaram, District-Rohtas/court concerned in connection with Agrer P.S. Case No. 14 of 2024, 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 petitioner.
- (ii) The petitioner 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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