

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63234 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- SHAMBHUGANJ District- Banka

1. Chinti Devi @ Chinta Devi W/o Chalitar Choudhary Resident Of Village- Dharampur, P.S. - Shambhuganj, Distt. - Banka
2. Nanki Devi @ Radha Devi D/o Chalitar Choudhary Resident Of Village- Dharampur, P.S. - Shambhuganj, Distt. - Banka
3. Vikash Choudhary S/o Chalitar Choudhary Resident Of Village- Dharampur, P.S. - Shambhuganj, Distt. - Banka
4. Chalitar Choudhary @ Charitar Choudhary S/o Late Gainu Choudhary Resident Of Village- Dharampur, P.S. - Shambhuganj, Distt. - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate
Mr. Sudhir Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 05-10-2024 1. Heard learned counsel for the petitioners and the learned APP for the State.
2. The petitioners apprehend their arrest in connection with Shambhuganj P. S. Case No. No. 128 of 2024 dated 06.05.2024 registered for the offence(s) punishable under Section(s) 341, 323, 307 read with Section 34 of the Indian Penal Code.
3. The main submissions advanced by the learned counsel for the petitioners are that the petitioners and the informant are neighbours and as per the FIR the informant and



her son are said to have been assaulted by the petitioners but the allegations concerned to the petitioners is general and omnibus and only one injury on the person of the informant and her son was found and the informant's son's injury has been opined to be simple in nature, though the final opinion has not been given with regard to the injury of the informant by the doctor concerned but the injury found on her person was in the size of 1/2" x 1/2" x 1/4 " on scalp temporal region which shows that the said injury was very superficial. It is further submitted that in fact the prosecution party firstly formed an unlawful assembly and thereafter entered the house of the petitioners and called the petitioner Chinti Devi @ Chinta Devi as 'Daain' and thereafter assaulted her and others and in this regard complaint case has been filed against the prosecution party. It is further submitted that the petitioners have fair and clean antecedent.

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

5. Considering the facts and circumstances of this case as well as above submissions and the nature of allegation appearing against the petitioners and coupled with the fair and clean antecedent of the petitioners and also the fact that there is



case and counter case in between both the parties who are said to be neighbours and in the FIR there is no specific allegation against all the petitioners, in my opinion, it is a fit case for anticipatory bail to the petitioners. Accordingly, let the petitioners named-above, 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 Shambhuganj P. S. Case No. No. 128 of 2024 on furnishing bail bond of Rs. 20,000/-(Twenty 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)

Rajiv/-

U		T	
---	--	---	--

