

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66490 of 2023

Arising Out of PS. Case No.-175 Year-2023 Thana- PHULWARIYA District- Gopalganj

Birkeshwar @ Bir Chaudhur Son Of Shiv Sagar Chaudhur Resdient Of
Village- Maripur, Ps- Phulwaria, Distt- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Soni Srivastava Mr. Kalyan Mr. Prashant Kumar Mr. Shashank Shekhar Dubey Mr. Mayank Mohan
For the State	:	Mr.Sanjay Kumar Singh
For the Informant	:	Mr. Ranjeet Kumar Pandey Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 25-01-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 341, 323, 324, 307, 326, 447, 504, 506 and 34 of the Indian Penal Code.

3. As per allegation in the FIR, on the alleged date of occurrence while the informant was getting some sweets prepared for the wedding in the family suddenly, the accused persons including the petitioner variously armed with farsa, sword and gun arrived there in connection with previous land dispute and started to assault the informant and his family



members. The allegation against the petitioner is that he assaulted the informant's father by means sword due to which he sustained injury.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case due to prior land dispute between both the parties. There is no allegation of repeated blow against the petitioner. The injury report does not corroborate with the prosecution version. It is further submitted that a counter version for institution of F.I.R. was given by co-accused Tarkeshwar Chaudhar through an application to the S.P., Gopalganj but the F.I.R. was not instituted in absence of male members all of whom have made accused in this case. It is also submitted that charge has been framed against the petitioner and others. The other co-accused namely, Chandrashekhar Chaudhar has already been granted bail by this Bench vide order dated 04.08.2023 passed in Cr. Misc. No. 46364 of 2023. Moreover, the petitioner is languishing in judicial custody since 20.05.2023.

5. Learned APP appearing for the State and learned counsel for the Informant have opposed the prayer of bail and submitted that the petitioner assaulted by means of sword on the



person of informant’s father.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XVI, Gopalganj in connection with Phulwaria P.S. Case No. 175 of 2023.

(Sunil Kumar Panwar, J)

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