

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70219 of 2024

Arising Out of PS. Case No.-116 Year-2024 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Jai Ram Chaudhary @ Jai Jai Ram Chaudhary @ Jai Kumar Chaudhary Son
of Late Ramnandan Chaudhary @ Ramnandan Chaudhary @ Ramanand
Chaudhri R/O Village- Maksaspur, Makaspur, Siripur, ward no.12, P.S.-
Cheriyabariyarpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-10-2024 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Cheriyabariyarpur P.S. Case No. 116 of
2024, registered for the offence punishable under Sections 341,
323, 324, 307 and 504/34 of the Indian Penal Code.

3. On account of a dispute due to filling of the land,
allegedly, the petitioner along with his family members abused
and assaulted the informant. It is specifically alleged that the
petitioner assaulted the informant by means of spade, due to
which he sustained serious injuries.

4. Learned Advocate for the petitioner contended that
the FIR clearly suggest that the reason for dispute relates to
filling of the land and at a spur of moment, the petitioner has



assaulted the informant. However, the intention of the petitioner is writ large from the injury, which clearly suggest that the injury which has sustained over the head of the informant, is caused by hard and blunt object. Thus, the intention of the petitioner was not to cause any grievous injury. However, unfortunately the informant sustained one grievous injury. It is next contended that both the parties are next door neighbour and there is a counter version of the present incidence being Cheriabariyarpur P.S. Case No. 117 of 2024, wherein the informant and others have been made accused. It is next contended that, be that as it may, the petitioner is in judicial custody since 20.06.2024 and now after completion of the investigation, the police has submitted charge-sheet. The petitioner bears fair antecedent.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that repeated spade blow was given over the vital portion of the informant and one of the injury has been found to be grievous in nature.

6. Regard being had to the submissions made on behalf of the parties and considering the reason for dispute and the fact that the petitioner is a man of fair antecedent and now



the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Manjhaul, Begusarai in connection with Cheriabariyarpur P.S. Case No. 116 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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