

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79818 of 2023

Arising Out of PS. Case No.-239 Year-2023 Thana- PIRO District- Bhojpur

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1. Upendra Chaudhary @ Upendra Kumar Son Of Binod Chaudhary Resident Of Ward No.4, Piro, P.S. - Piro, District - Bhojpur
 2. Binda Devi Wife Of Binod Chaudhary Resident Of Ward No.4, Piro, P.S. - Piro, District - Bhojpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-02-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 341, 323, 504, 307, 354 and 34 of the Indian
Penal Code.

3. The learned counsel for the petitioners submits
that the petitioners are persons with clean antecedent and
on account of dispute with regard to drainage, the
occurrence is said to have been committed wherein it is
alleged that the accused persons entered the house of the



informant and the petitioner no.1 assaulted by lathi causing injury. It is next submitted that as far as petitioner no.2 is concerned, she is a woman and there is no specific allegation against her. Thereafter, the learned counsel for the petitioners submits that from the side of the petitioners also, Piro P. S. Case No.240 of 2023 was instituted against the informant and others.

4.The learned counsel thereafter draws the attention of the Court to Annexure-4 to anticipatory bail application to submit that from perusal of the injury report, it would manifest that the doctor has recorded that the injured suffered pain in head, chest, left leg, right hand and left forearm and few scratches were present. It is further submitted that in the nature of injury, Section 307 I.P.C. is not attracted.

5. Learned A.P.P. opposes the anticipatory bail application and submits that the opinion has been reserved by the doctor with regard to nature of injury.

6.The learned counsel for the petitioners, at this stage, submits that petitioners will not abscond rather will



cooperate in the investigation and it is reiterated that petitioners are persons with clean antecedent.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri Sonal Bishwas, the learned J.M., 1st Class, Bhojpur at Ara in connection with Piro P. S. Case No.239 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

9. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial Court shall be at liberty to cancel



the bail bonds of the petitioners after recording reasons.

(Satyavrat Verma, J)

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