

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.81594 of 2023**

Arising Out of PS. Case No.-97 Year-2023 Thana- KALYANPUR District- Samastipur

1. Krishan Kumar @ Kishan Kumar Choudhary Son Of Hari Sankar Choudhary @ Harishankar Choudhari Resident Of Village- Tira Jatmalpur, Police Station- Kalyanpur, District- Samastipur.
2. Mishan Kumar Choudhary Son Of Hari Sankar Choudhary @ Harishankar Choudhari Resident Of Village- Tira Jatmalpur, Police Station- Kalyanpur, District- Samastipur.
3. Indu Devi Wife Of Hari Sankar Choudhary @ Harishankar Choudhari Resident Of Village- Tira Jatmalpur, Police Station- Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Mahendra Pratap, Advocate  
For the Opposite Party/s : Mr. Jai Narain Thakur, Advocate

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      10-01-2024                      Heard   Mr.   Mahendra   Pratap,   learned   counsel  
  
                                                 appearing on behalf of the petitioners and the learned Additional  
  
                                                 Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Kalyanpur P.S. Case No. 97 of 2023, registered for the offences punishable under Sections 341, 323, 324, 338, 307, 427, 379, 504 and 34 of the Indian Penal Code.

3. It is alleged that on being annoyed by the intervention made by the informant while the accused persons were beating their neighbor, Chunnu Chaudhary, just after two



days, when the son of the informant was coming to his house, all the three petitioners alongwith father of petitioner no. 1 and 2 intercepted and brutally assaulted and snatched Rs. 40,000/-. On halla, when the informant rushed to the place of occurrence, the petitioner no. 1 and 2 assaulted him by means of iron rod and petitioner no. 3 also assaulted indecently.

4. Learned counsel appearing on behalf of the petitioners submit that from the narratives made in the F.I.R., it is evident that the alleged occurrence took place on 11.03.2023, however, the present F.I.R. has been instituted on 23.03.2023 after a delay of 12 days and no plausible explanation has been given. He further submits that the learned Court below while negating the prayer for bail of the petitioners, though taken note of some of the paragraphs of the case diary, however, there is no discussion with regard to the injuries sustained to the informant and his sons. Further submission has been made that both the parties are next door neighbor and in fact the present F.I.R. has been instituted only in order to wreck vengeance on account of a trifle. That apart, the petitioners are persons of clean antecedent.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that specific allegation has been leveled against the petitioners no. 1 and 2



who assaulted the informant by means of iron rod.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the F.I.R. coupled with the fair antecedent of the petitioners and the fact that there is no discussion of the injury in the impugned order, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief judicial Magistrate 1<sup>st</sup> Class in connection with Kalyanpur P.S. Case No. 97 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

**(Harish Kumar, J)**

supratim/-

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