

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82467 of 2023

Arising Out of PS. Case No.-121 Year-2023 Thana- KHIJARSARAI District- Gaya

Lala Choudhary @ Lal Babu Choudhary Son Of Sheo Choudhary Resident
Of Villge- Hajichak (CHANDAULI), P.S. Khiizarsarai, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Khizer Sarai P.S. Case No. 121 of 2023, registered on 18.03.203, for the alleged offence under Sections 341, 323, 308, 354, 504, 506 and 34 of the Indian Penal Code.

03. As per prosecution case, the petitioner used vulgar words on seeing the informant and when it was opposed by her husband, he was assaulted by the petitioner and other co-accused with *lathi* and *tangi*. The allegation against the petitioner is that of giving *tangi* blow on the head of husband of the informant.

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The prosecution story is not believable, as for an occurrence of 08.03.2023, F.I.R. has been registered on 18.03.2023 when police station was very much near by the place of occurrence and the place of treatment of husband of the informant and there is no explanation of delay. Even the F.I.R. was sent after much delay to the learned Magistrate. Learned counsel further submits that admittedly, the occurrence took place on the date of Holi festival and the injured was heavily drunk and was making vulgar comments and abusing the passerby individuals. The injured was never assaulted by anyone rather he sustained injury by falling in inebriated condition. The informant was knowing this fact and for this reason she did not lodge the case earlier. The allegation made by the informant is that of brutal assault but only single injury was found on the body of the informant, which also falsifies the prosecution story. Even the police after investigation removed the name of three other co-accused persons at the time of filing of charge-sheet. The petitioner is having criminal antecedent of one case under the Excise Act.

05. Learned A.P.P. for the State opposes the prayer for anticipatory. Learned A.P.P. Submits that specific allegation against the petitioner is that he gave *tangi* blow on the head of the husband of the informant.



06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the background in which the occurrence is said to have taken place and further considering the delay in lodging the F.I.R., let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Gaya /concerned court in connection with Khizer P.S. Case No. 121 of 2023 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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