

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83821 of 2024

Arising Out of PS. Case No.-146 Year-2024 Thana- SAMASTIPUR District- Samastipur

1. Mohit Choudhary Son of Rajiv Choudhary village- Pithiya Gachhi, Ps- Nagar, Dist- Samastipur
2. Rajiv Choudhary Son of Late Rajendra Choudhary village- Pithiya Gachhi, Ps- Nagar, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 84424 of 2024

Arising Out of PS. Case No.-146 Year-2024 Thana- SAMASTIPUR District- Samastipur

Vikram Choudhary @ Vikram Kumar Choudhary @ Vicky S/O Late Vinod Choudhary Resident of Village- Pethiagachhi, P.S- Town, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 83821 of 2024)

For the Petitioner/s : Mr.Vishwanath Pd. Sinha, Sr. Advocate
: Mr.Uday Chandra Prasad, Advocate
: Mr.Rishi Sinha, Advocate
: Mr.Pooja Prasad, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

For the Informant : Mr.Dilip Kumar Roy, Advocate

(In CRIMINAL MISCELLANEOUS No. 84424 of 2024)

For the Petitioner/s : Mr.Ranjit Kumar Yadav, Advocate

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

For the Informant : Mr.Dilip Kumar Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-12-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail,



arises out of Samastipur Town PS case no. 146 of 2024, disclosing offences punishable under Section 109 and other allied sections of B.N.S. Act, 2023.

3. The prosecution story, as per the First Information Report, is that on 02.07.2024, petitioner no. 1 assaulted the son of informant on his head by katta (sharp cutting weapon) and petitioner no. 2 and accused Vikram Choudhary (petitioner in Cr. Misc. No. 84424 of 2024) assaulted the informant's son by iron rod, due to which, he fell down and became unconscious.

4. Learned Senior Counsel for the petitioners submits that both informant and petitioner no. 2 are own brothers and petitioner no. 1 is the nephew of the informant. Learned counsel further submits that present F.I.R. has been lodged due to land dispute for partition between the parties, which is pending in Title Suit No. 216 of 2020 before the Sub-Judge I, Samastipur. The petitioners have been running restaurant at their own premises and informant is also running cloth shop in the same premises and both the shops are situated side by side. He also submits that a counter case has been lodged by the side of the petitioners. Petitioner no. 1 is a student who has passed from Christ University, Bangalore and awarded degree in Bachelor of Technology (Information Technology) in the year 2019 and has



joined Quinnox Consultancy Service Limited, Bangalore but during corona period, he resigned and started business at Samastipur. Petitioners are having no criminal antecedent.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submits that there is specific allegation against petitioner no. 1 that he assaulted the informant's son by katta on his head, which is a vital part of the body and son of the informant has sustained grievous injury, as would be evident from injury report, annexed as Annexure-P/2.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that both parties are closely related having land dispute and injuries caused to the victim are simple in nature except injury no. 2, which is on the non-vital part of the body, I am inclined to grant the privilege of anticipatory bail to the petitioners.

7. This application is, accordingly, allowed.

8. Let petitioners, abovenamed, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in



connection with Samastipur Town PS case no. 146 of 2024,
subject to the condition laid down under Section 438 (2) of the
Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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