

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85136 of 2023

Arising Out of PS. Case No.-52 Year-2020 Thana- JHANJHARPUR District- Madhubani

1. Kaushal Chaudhary Son Of Suresh Chaudhary @ Suresh Kumar Chaudhary R/o Village- Godhanpur, P.S.- Jhanjharpur, Dist.- Madhubani
2. Suresh Chaudhary @ Suresh Kumar Chaudhary Son Of Subudh Chaudhary @ Subodh Chaudhary R/o Village- Godhanpur, P.S.- Jhanjharpur, Dist.- Madhubani
3. Khela Chaudhary @ Khela Nand Chaudhary Son Of Subudh Chaudhary @ Subodh Chaudhary R/o Village- Godhanpur, P.S.- Jhanjharpur, Dist.- Madhubani
4. Subudh Chaudhary @ Subodh Chaudhary Son Of Late Mauje Lal Chaudhary, R/o Village- Godhanpur, P.S.- Jhanjharpur, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-01-2024 Heard Mr. Baleshwar Kamat, learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Jhanjharpur P.S. Case No. 52 of 2020 registered for the offences punishable under Sections 341, 323, 308, 324, 325, 427, 379 and 506/34 of the Indian Penal Code.

3. Allegedly, on a protest made by the informant and his father while the petitioner no.1 was fishing in their pond, all the petitioners dragged the informant on the ground after putting towel around his neck and when the father of the informant



came to save him, petitioner no.2 assaulted him by means of knife due to which he sustained injury on his left thumb. Other petitioners also assaulted the informant and his father.

4. Learned counsel for the petitioners submits that from the FIR, it is evident that there is a dispute with regard to fishing in the pond, which resulted into scuffle between persons of both sides, wherein the petitioners have also sustained injuries. He further submits that so far the injuries are concerned, one has been inflicted on the thumb and, one of the injuries due to erection of teeth. He next submits that taking note of the aforesaid facts, the petitioners have been allowed the benefit of Section 41(1) CrPC during the course of investigation. However, on account of the submission of the charge-sheet under Sections 341, 323, 308, 325, 427 and 506/34 of the Indian Penal Code, the instant bail application has been filed. There is counter version of the present case, being Jhanjharpur P.S. Case No. 72 of 2020 against the informant and others. Moreover, the parties have also resolved their dispute. He lastly submits that the petitioners are men of fair antecedent.

5. On the other hand, learned counsel for the State opposes the bail application and submits at the Bar that the injured has sustained grievous injury.



6. Regard being had to the submissions made on behalf of the parties and considering the case and counter case and the nature of injuries, which have been sustained on a non-vital part of the body, coupled with the fact that the petitioners are men of fair antecedent, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Jhanjharpur, Madhubani in connection with Jhanjharpur P.S. Case No. 52 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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