

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2884 of 2024**

Arising Out of PS. Case No.-206 Year-2023 Thana- BAIRIYA District- West Champaran

1. Bhutkan Chaudhary, aged about 52 years, Gender-Male, Son of Late Raghunath Chaudhary, Resident Of Village- Balura Rampurwa, Ward No- 18, P.S- Bairiya, District- West Champaran.
2. Dukhi Chaudhary, aged about 45 years, Gender-Male, Son of Late Raghunath Chaudhary, resident of village- Balura Rampurwa, Ward No- 18, p.S- Bairiya, District- West Champaran.
3. Mehi Chaudhary, aged about 42 years, Gender-Male, Son of Late Raghunath Chaudhary, Resident Of Village- Balura Rampurwa, Ward No- 18, P.S- Bairiya, District- West Champaran.
4. Binod Chaudhary, aged about 35 years, Gender-Male, Son of Bhutkan Chaudhary, Resident Of Village- Balura Rampurwa, Ward No- 18, P.S- Bairiya, District- West Champaran.
5. Shatrughan Chaudhary @ Satrachan Chaudhary, aged about 32 years, Gender-Male, Son of Bhutkan Chaudhary, Resident Of Village- Balura Rampurwa, Ward No- 18, P.S- Bairiya, District- West Champaran.
6. Sanjay Chaudhary, aged about 30 year, Gender-Male, Son of Bhutkan Chaudhary, Resident Of Village- Balura Rampurwa, Ward No- 18, P.S- Bairiya, District- West Champaran.
7. Chulai Chaudhary aged about 30 years, Gender-Male, Son Of Dukhi Chaudhary, Resident Of Village- Balura Rampurwa, Ward No- 18, P.S- Bairiya, District- West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                        |   |                            |
|------------------------|---|----------------------------|
| For the Petitioners    | : | Mr. Sujeet Kumar, Advocate |
| For the Opposite Party | : | Mr. Ajit Kumar, A.P.P.     |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

4      29-02-2024                      Vide order dated 20.02.2024, the anticipatory bail application of the petitioner no. 7 has already been dismissed as withdrawn.

2. Heard learned counsel for the petitioner nos. 1



to 6 and learned Additional Public Prosecutor for the State.

3. The petitioner nos. 1 to 6 are apprehending their arrest in connection with Bairiya P.S. Case No. 206 of 2023 dated 09.07.2023 registered for the offences punishable under Sections 323, 341, 325, 307, 427, 504 and 506/34 of the I.P.C.

4. As per the prosecution case, on 19.06.2023 at about 2 to 3'clock in day hour, the informant was fishing at his Jalkar Maniyariman, the petitioners came with lathi, danda, farsa and started to scuffle with him and when he protested, the petitioner no. 1 assaulted with farsa on his head and the co-accused assaulted him with lathi, danda and iron rod. In the meantime, the petitioner no. 4 stole Rs. 30,000/- from his pocket and when Jai Prakash Chaudhary came to save him, the petitioner no. 5 assaulted him with iron rod on right leg. The co-accused Chulai Chaudhary stole Rs. 2800/- from the pocket of Jai Prakash Chaudhary. The accused persons also took away four quintals of fish of the informant.

5. Learned counsel for the petitioner nos. 1 to 6 has submitted that they are innocent and have been falsely



implicated in this case. There is general and omnibus allegation against them. They have been made accused in the present case only on the basis of suspicion. Except the suspicion, there is no other substantive evidence to suggest their implication in the present case. It is submitted that as a matter of fact, both the parties claim over the Jalkar and there is claim and counter claim between the parties. The petitioner nos. 1 to 6 also claim on the said fish tanki in this case. It is further submitted that during the course of investigation, the I.O. and the informant have not brought a single chit of paper or piece of evidence which suggests that they are involved in the alleged crime. It is further submitted that the injury of the informant is found to be simple in nature. In the said injury report, dimension of the injury has not been mentioned. There is case and counter case between the parties. The petitioner nos. 1 to 6 have one criminal antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner nos. 1 to 6.

7. Considering the aforesaid facts and



circumstances of the case, let the above named petitioner nos. 1 to 6 (except petitioner no. 7), in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Bettiah, West Champaran, in connection with Bairiya P.S. Case No. 206 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

(I) The petitioner nos. 1 to 6 are directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, their bail bonds are liable to be cancelled.

8. The application stands allowed.

**(Chandra Prakash Singh, J)**

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