

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2702 of 2024

Arising Out of PS. Case No.-310 Year-2023 Thana- KHANPURA District- Samastipur

1. NIRANJAN CHOUDHARY S/O RAM BAHADUR CHOUDHARY R/O VILLAGE- BARAHGAMA, P.S- KHANPUR, DISTT.- SAMASTIPUR.
2. RAM BAHADUR CHOUDHARY S/O LATE RAMRAJI CHOUDHARY R/O VILLAGE- BARAHGAMA, P.S- KHANPUR, DISTT.- SAMASTIPUR.
3. KAMLESH CHOUDHARY S/O RAMRAJI CHOUDHARY R/O VILLAGE- BARAHGAMA, P.S- KHANPUR, DISTT.- SAMASTIPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raja Ram Mishra, Advocate
For the Informant	:	Mr. Ajay Kumar, Advocate
For the State	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2024 Heard Mr. Raja Ram Mishra, learned counsel for the petitioners, Mr. Ajay Kumar, learned counsel appearing on behalf of the Informant and Mr. Binod Kumar, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Khanpur P.S. Case No. 310 of 2023, F.I.R. dated 02.12.2023 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 379, 504, 506 and 34 of the Indian Penal Code.

3. Allegation against the petitioners is that petitioner namely Niranjah Chudhary has assaulted the informant's son



namely Rambabu on his head by means of farsha, causing injury, petitioner namely Ram Bahadur Choudhary has assaulted to the husband of the informant on his head and shoulder by means of farsa, causing injury and petitioner namely Kamlesh Choudhary has assaulted to the informant's grandson Adarsh Kumar Choudhary on his neck by means of *Gadasa*, causing injury.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that the petitioner no. 1 has assaulted the Rambabu Jha, petitioner no. 2 has assaulted to the husband of the informant namely Suresh Chandra Jha and petitioner no. 3 has assaulted to Adarsh Kumar and although they have received injuries and injury reports of Suresh Chandra Jha and Rambabu Jha suggests that one injury is grievous in nature but from perusal of the injury report it appears that due to fracture in hand both the injury of injured person suggests that the injury is grievous in nature and the injury report of Adarsh suggests that the injury is simple in nature and in the present case the petitioners have also received injuries and for the same set of occurrence the petitioners have also filed Khanpur P.S. Case No.



20 of 2024 against the informant and their family members.

5. Learned counsel for the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners and submits that from perusal of the F.I.R. it appears that there is specific allegation of assault attributed against the petitioners and the injured person who received injuries are grievous in nature and apart from that the petitioner nos. 1 and 2 carry two more cases other than the present one in which they are on bail whereas petitioner no. 3 has clean antecedent.

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Samastipur in connection with Khanpur P.S. Case No. 310 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the



Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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