

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86609 of 2023

Arising Out of PS. Case No.-76 Year-2023 Thana- PIPRAKOTHI District- East Champaran

1. Chitranjan Chaudhary @ Chitranjan Kumar Son Of Late Gauri Shankar Chaudhary Resident Of Village- Barkurwa Ps- Pipra Kothi, Distt- East Champaran
2. Rajan Choudhary Son Of Late Gauri Shankar Chaudhary Resident Of Village- Barkurwa Ps- Pipra Kothi, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhurendra Kumar, Advocate
For the Opposite Party/s	:	Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr. Dhurendra Kumar, the learned counsel

for the petitioners and Ms. Nirmala Kumari, the learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Pipra Kothi PS Case No. 76 of 2023, FIR dated

03.04.2023, registered for the offences punishable under

Sections 341, 323, 447, 354, 307, 379, 504 and 506 read with

Section 34 of the Indian Penal Code.

3. According to prosecution case, due to land dispute,

all the accused persons, including the petitioners, variously

armed came at the house of the informant and assaulted the

informant and her family members. It is further alleged that



petitioner no. 2 namely, Rajan Chaudhary gave iron-rod blow on the head of the informant and petitioner no. 1 namely, Chitranjan Chaudhary gave iron-rod blow on the informant's husband, causing injury. It is further alleged that petitioner no. 2 snatched gold and *mangal sutra* from the informant and co-accused Om Prakash Chaudhary snatched cash of Rs. 15000/- (Rupees fifteen thousand) from the pocket of *bhaisur* of the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that due to land dispute the present occurrence has taken place and as per the allegation levelled in the FIR that petitioner no. 1 gave iron-rod blow on the head of informant's husband and petitioner no. 2 gave iron-rod blow on the head of the informant and the injury report of the informant suggests that injury is simple in nature and the injury report of the informant's husband namely, Arvind Chaudhary suggests that although he has received two injuries, injury no. 1 is simple in nature and with respect to injury no. 2, the final opinion is reserved due to X-ray report not submitted by the injured person.



5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent, injury inflicted on the person of the injured is simple in nature and due to admitted land dispute the present occurrence has taken place, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari, where the case is pending in connection with **Pipra Kothi PS Case No. 76 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial



Court.

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

(iii). And further condition that the trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the trial Court 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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