

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2400 of 2024

Arising Out of PS. Case No.-371 Year-2023 Thana- SAHPUR District- Bhojpur

1. Rabindra Chaudhary @ Ravindra Chaudhary, Son of Bhutti Chaudhary, R/o Villag - Sahodih, P.S.- Shahpur, Distt.- Bhojpur.
2. Shilesh Chaudhary @ Sheolesh Chaudhary @ Sales Chaudhary, Son of Bhutti Chaudhary, R/O Village- Sahodih, P.S.- Shahpur, Distt.- Bhojpur.
3. Vimlesh Chaudhary @ Bimlesh Chaudhary, S/O Bhutti Chaudhary, R/O Village- Sahodih, P.S.- Shahpur, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the Opposite Party/s	:	Mr. Pawan Kumar Chaurasia, APP
For the Informant	:	Ms. Archana Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-01-2024 Heard Mr. Manoj Kumar, learned counsel appearing on behalf of the petitioners, Mr. Pawan Kumar Chaurasia, learned APP for the State and Ms. Archana Kumar, learned counsel for the informant.

2. The petitioners are apprehending their arrest in connection with Sahpur P.S. Case No. 371 of 2023 registered for the offences punishable under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code.

3. The prosecution case is based upon the written report filed by the informant stating therein that on 13.08.2023, when he was sitting in front of the door of his house, in the meantime, all the accused persons, including the petitioners,



came there and started abusing. On protest being made by the informant, co-accused Pankaj Chaudhary, assaulted him on his head, due to which he sustained head injury. Further allegation has been levelled that petitioner no.1 Rabindra Chaudhary also made exhortation and assaulted him along with other co-accused persons.

4. It is submitted on behalf of the petitioners that from the narrative made in the F.I.R., it is evident that specific allegation of causing injury has been levelled against co-accused Pankaj Chaudhary, who is not before this Court. Moreover, the allegation against the petitioners are omnibus in nature and does not corroborate by the injury report, which suggests only one injury over the head of the informant. He next submitted that in fact on account of a land dispute, a free fight took place, resulting into case and counter case and prior to the institution of the present case, the member of the petitioners' side has instituted Sahpur P.S. Case No. 370 of 2023. That apart, the petitioners are men of fair antecedents and they undertake that they will fully cooperate in the investigation or in the proceedings of the court and would not indulge in such type of crime in future.

5. On the other hand, learned APP for the State and



the informant opposed the bail application and submit that all the petitioners have actively participated in the alleged crime and the informant 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 fact that the injuries caused on the head of the informant is attributed to specifically against co-accused Pankaj Chaudhary, coupled with the fair antecedents of the petitioners and the undertaking, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Bhojpur at Ara in connection with Sahpur P.S. Case No. 371 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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