

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23185 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- SARMERA District- Nalanda

1. Singeshwar Chaudhary @ Sidheshwar Chaudhary Son of Late Mangal Chaudhary Resident of Village - Jahangirpur, P.S.- Sarmera, District - Nalanda
2. Arvind Chaudhary Son of Singeshwar Chaudhary @ Sidheshwar Chaudhary Resident of Village - Jahangirpur, P.S.- Sarmera, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suryakant Kumar, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-05-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Sarmera P.S. Case No. 05 of 2025 for the offence under sections 126(2), 115(2), 118(1), 117(2), 109(1), 351, 352 and 3(5) of the B.N.S. lodged on 14.01.2025 by the informant, Chandan Kumar.

3. As per the prosecution story, the informant alleged that on the simple ground of movement of waste water on the road, the abuse/assault took place and omnibus allegation is against the petitioners that they assaulted. Though specific allegation is against Rajesh Chaudhary that he gave '*hansuli*' blow on the head causing injury to the informant. When the



others came to rescue, allegation is that petitioner no. 1 also assaulted. They were taken to Sarmera Hospital which followed the FIR.

4. Learned counsel for the petitioner submits that there is counter version also and the accused side have also suffered grievous injury. So far as the allegation is concerned, it is mainly on Rajesh Chaudhary that he gave '*hansuli*' blow and omnibus allegation is against these two petitioners, all the injuries have been found to be simple in nature. The last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant's side has alleged injuries, the petitioners on their own would like to contribute jointly Rs. 15,000/- towards the medical assistance of the injured persons through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer submitting that allegation of assault is also on these two petitioners.

6. Taking into account the submissions of the parties as also that there is case and counter-case, allegation mainly is against Rajesh Chaudhary and the injuries have been found to



be simple in nature, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 15,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned J.M. 1st Class, Bihar Sharif, Nalanda in connection with Sarmera P.S. Case No. 05 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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