

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27566 of 2025

Arising Out of PS. Case No.-126 Year-2024 Thana- PALIGANJ District- Patna

1. Shanker Chaudhary S/o- Late Gagrup Chaudhary Village- Priyo Madhwa Makhlinpu PS- Paliganj Dist- Patna
2. Sanjay Chaudhary S/o- Late Chaudhary Chaudhary @ Late Gagrup Chaudhary Village- Priyo Madhwa Makhlinpu PS- Paliganj Dist- Patna
3. Mahesh Chaudhary S/o- Bhakhari Chaudhari @ Bhikhari Chaudhari Village- Priyo Madhwa Makhlinpu PS- Paliganj Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners who apprehend arrest in connection with Paliganj P.S. Case No. 126 of 2024 lodged on 28.03.2024, for the offences punishable under sections 341, 323, 307, 147, 149, 354A, 504, 506 of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, the F.I.R. has been lodged against seven named accused persons, including the present petitioners, with the allegation that they, in connivance with each other, went to the house of the informant and started abusing him. Upon the informant's protest, petitioner no. 2, Sanjay Chaudhary, is alleged to have assaulted the informant with an iron rod on his head, causing a bleeding injury.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. It is stated that the informant and the petitioners are agnates and well acquainted with each other. However, due to a petty familial dispute, a scuffle broke out between the two sides, resulting in the lodging of case and counter-case. Injuries were sustained on both sides. Even assuming the prosecution allegations to be true, the allegations levelled against petitioner nos. 1 and 3 are general and omnibus in nature. It is further submitted that with respect to the same date and place of occurrence, the petitioners have lodged Paliganj P.S. Case No. 125 of 2024 against the informant side, while the informant has filed the present case, being Paliganj P.S. Case No. 126 of 2024. The petitioners have clean antecedents and no criminal history.

5. Learned APP for the State opposes the prayer for bail and submits that there is a case and counter-case between the parties. He further contends that while the allegations against petitioner nos. 1 and 3 are general and omnibus in nature, there is a direct and specific allegation of assault against petitioner no. 2.

6. In the facts and circumstances of the case particularly considering the fact that the allegation against



petitioner nos. 1 and 3 above named is general and omnibus, let they be released on bail, in the event of their arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30,000/- (Rupees Thirty Thousand only) each, as mentioned in Section 2(1)(d) of the *Bharatiya Nagrik Suraksha Sanhita, 2023*, to the satisfaction of the learned SDJM, Danapur, Patna, in connection with Paliganj P.S. Case No. 126 of 2024, subject to the conditions as laid down under Section 482(2) of the *Bharatiya Nagrik Suraksha Sanhita, 2023*.

7. Considering the specific allegation levelled against petitioner no.2, namely, Sanjay Chaudhary, this Court is not inclined to grant bail to him. Accordingly, his prayer for bail in connection with Paliganj P.S. Case No. 126 of 2024, pending before the learned SDJM, Danapur, Patna, is hereby rejected.

8. However, in case petitioner no.2 surrenders before the trial Court within four weeks from today, the Trial Court is directed to pass an order on his surrender-cum-bail application on the same day, without being prejudiced by the fact that the petitioner's anticipatory bail has been rejected by this Court.

(Dr. Anshuman, J)

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