

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66732 of 2024

Arising Out of PS. Case No.-12 Year-2022 Thana- LAUKAHI District- Madhubani

1. Paras Mani Chaudhary, Son of Prayag Chaudhary, Resident of village - Manaspur, Ps- Laukahi, Dist- Madhubani
2. Vijay Kumar Chaudhary, Son of Paras Mani Chaudhary, Resident of village - Manaspur, Ps- Laukahi, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 18-01-2025 Heard Mr. Gagan Deo Yadav, learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Laukahi P.S. Case No. 12 of 2022, registered for the offences punishable under Sections 447, 448, 341, 323, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly in the fateful night of 06.01.2022 co-accused Ajay Kumar Chaudhary surreptitiously entered in the house of the informant with a bad intention, however when the son of the informant raised alarm, co-accused Ajay Kumar Chaudhary succeeded in fleeing away. On the aforesaid



occurrence some altercation took place, whereupon the petitioners alongwith others came there and started abusing and assaulting. It is specifically alleged that both the petitioners armed with spade assaulted the informant over his head, due to which he sustained grievous injury. There are other allegation against other accused persons of causing assault by means of spade, axe and fire arm. The FIR also disclosed that co-accused Ajay Kumar Chaudhary fired upon the husband of the informant, but the same did not hit him and the petitioner no. 1 sustained the bullet injury.

4. Learned Advocate appearing on behalf of the petitioners contended that the present case is nothing, but a counter blast to Laukahi P.S. Case No. 10 of 2022 which was instituted on 09.01.2022 on the basis of *fard beyan* of petitioner no. 1, duly recorded in the emergency ward of the D.M.C.H. on 08.01.2022. There is categorical allegation in the said FIR that it is Madhav Kumar Chaudhary, who fired upon the petitioner no. 1, due to which he sustained bullet injury in his chest. In order to save their skin from the present case, after a delay of six days, the present FIR has been instituted by making concocted story. Had the husband of the informant sustained injuries at the hands of the petitioners, there was no reason or



occasion not to institute the FIR within a day or two. But the unexplained delay clearly suggest deliberation on the part of the informant and his family members. Moreover, there is allegation against both the petitioners of causing spade blow over the head of the husband of the informant without there being any repetition and, as such, there was no intention to kill and in that view of the matter, no case much less under Section 307/34 is made out.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the injured has sustained grievous injury as is evident from the injury report.

6. Regard being had to the submissions made on behalf of the parties and considering the inordinate delay in lodging of the FIR and the fact that the petitioner no. 1 has sustained bullet injury whereas petitioner no. 2 has also sustained other injuries at the hands of the husband of the informant and other accused persons against whom Laukahi P.S. Case No. 10 of 2022 was instituted soon after the occurrence, coupled with their fair antecedent, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon



furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate I, Jhanjharpur, District Madhubani in connection with Laukahi P.S. Case No. 12 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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