

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74249 of 2024

Arising Out of PS. Case No.-445 Year-2023 Thana- BHAGWANPUR HAT District- Siwan

1. Sunil Chaudhary S/o- Mutabchand Chaudhary @ Motabchand Chaudhary Resident of Village- Mirjumla PS- Bhagwanpur Hat, Dist- Siwan
2. Lalbabu Chaudhary Son of Mutabchand Chaudhary @ Motabchand Chaudhary Resident of Village- Mirjumla PS- Bhagwanpur Hat, Dist- Siwan
3. Lav Chaudhary Son of Mutabchand Chaudhary @ Motabchand Chaudhary Resident of Village- Mirjumla PS- Bhagwanpur Hat, Dist- Siwan
4. Kush Chaudhary Son of Mutabchand Chaudhary @ Motabchand Chaudhary Resident of Village- Mirjumla PS- Bhagwanpur Hat, Dist- Siwan
5. Vishal Chaudhary Son of Mahanth Chaudhary Resident of Village- Mirjumla PS- Bhagwanpur Hat, Dist- Siwan
6. Ajay Chaudhary Son of Mahanth Chaudhary Resident of Village- Mirjumla PS- Bhagwanpur Hat, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 15-04-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

3. The prosecution case as disclosed in the FIR is that on 19.12.2023, the son of the informant Kamlesh Kumar Yadav had gone along with 4-5 boys to the hotel of petitioner no. 1 Sunil Chaudhary where abusive language was used upon him



and the other co-accused persons are said to have attacked. Further allegation is upon all the accused persons that they attacked them by means of sharpened edged weapons and knife. There is an allegation on Raja Chaudhary of assaulting Sunny Kumar Yadav on the back and shoulder for which his treatment is going on in Ruban Hospital, Patna and there is further allegation on petitioner no. 1 of having attacked on Kamlesh Kumar Yadav on his hand for which he is being treated in the Ruban Hospital Patna.

4. A perusal of the earlier order would indicate that the final injury report of the injured was earlier called for with special reference to the medical treatment of two injured persons namely Sunny Kumar Yadav and Kamlesh Kumar Yadav from the Ruban hospital. The final injury report would show that the injuries suffered at the side of the informant are simple in nature. The report from the Ruban Hospital would also go to show that the injured Kamlesh Kumar had been treated at the hospital who has now been discharged and the injuries show one lacerated wound on the right forearm which is on non vital part of the body. The injury report of Sunny Kumar from the Ruban hospital would also show that he has been discharged from the hospital and the injuries are in the nature laceration on the right



shoulder and back.

5. Learned counsel for the petitioners further submits that there is case and counter case and the case instituted by the petitioner no. 1 has been annexed as Annexure-2 to this application which is Bhagwanpur Hat P.S. Case No. 439 of 2023 which is prior to the present case in the point of time. It has also been argued by the learned counsel for the petitioners that the present FIR has been instituted after delay of four days as the occurrence is alleged to have taken place on 19.12.2023 whereas present case came to be lodged on 23.12.2023

6. Taking into all the above-mentioned facts and circumstances of the case and also considering that the present case is a counter blast of the case filed by the petitioners and also considering that the petitioner nos. 2 to 6 have no criminal antecedents and petitioner no. 1 is accused in only one case under the Excise Act in which he is on bail, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below



where the case is pending/successor court in connection with
Bhagwanpur Hat P.S. Case No. 445 of 2023, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

devendra/-

U		T	
---	--	---	--

