

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78749 of 2024

Arising Out of PS. Case No.-27 Year-2023 Thana- ARWAL District- Jehanabad

Chandan Kumar Son of Mahendra Chaudhary R/O Vil.- Arwal Sipah (behind fish market Arwal), P.S.- Arwal, Dist.- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

4 09-04-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Arwal PS Case No.27 of 2023 dated 17.01.2023, instituted under Sections 147, 341, 323, 324, 307, 504 and 379 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 17-01-2023 at about 9:00 A.M., while the informant, along with his family members, was at his house, the petitioner, along with co-accused persons and 20–25 unknown persons, arrived there. An altercation took place between them over construction of house on the informant's land. It is alleged that co-accused Deepak Kumar and the petitioner, assaulted the informant and his brothers with a spade, causing head injuries to them. Thereafter, co-accused Dewanti Devi and Indu Kumari allegedly



assaulted the informant with bricks, causing injuries to the fingers of his left hand and his left rib. The accused persons also assaulted the informant's brother, on account of which he sustained injuries to his right eye and right shoulder. The accused persons damaged the house, and co-accused Deepak Kumar snatched away the informant's mobile phone. The injured persons were treated at Sadar Hospital, Arwal. Thereafter, the matter was reported to the police, and a First Information Report (FIR) was lodged.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is submitted that there is a case and counter-case between the parties. The counter-case, bearing Arwal P.S. Case No. 28 of 2023, was lodged on 17-01-2023 against the informant and his family members under Section 307 and other allied Sections of the IPC. It is further submitted that members of the petitioner's side also sustained injuries during the alleged occurrence. The specific allegation against the petitioner and co-accused Deepak Kumar is that they assaulted Arun Chaudhary, Ashok Kumar Bharati, and Chanman Kumar @ Halchal Kumar (informant) with a spade. The injuries sustained by the informant's brothers, namely Arun Chaudhary and Ashok



Kumar Bharati, are stated to be simple in nature. As regards the injury sustained by the informant, it is state to be grievous in nature and caused by a hard and blunt object. Further submission is that the allegations levelled against the petitioner are general and omnibus in nature, with no specific accusation that the petitioner assaulted any specific person. Lastly, it is submitted that one criminal case is pending against the petitioner, in which he has already been granted bail.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Arwal, in Arwal PS Case No.27 of 2023, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

7. The application stands allowed.

(Khatim Reza, J)

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