

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3532 of 2025

Arising Out of PS. Case No.-208 Year-2024 Thana- TAJPUR District- Samastipur

1. Lalo Choudhary, S/O Late Ram Bahadur Choudhary, Resident of Village- Morwa Laskara Ward No. 03, P.S- Tajpur, District- Samastipur.
2. Soniya Devi, W/O Lalo Choudhary, Resident of Village- Morwa Laskara, Ward No. 03, P.S- Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamendra Prasad Singh, Advocate
For the Opposite Party/s : Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-02-2025 Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioners who are in custody in connection with Tajpur P.S. Case No. 208 of 2024 registered for the offence punishable under Sections 126(2), 115, 118(2), 117, 109, 303(2), 351(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Allegedly while the informant was sitting at her door, in the mean while, all the F.I.R. names accused persons armed with *lathi*, *danda* and iron rod came there and started abusing. On protest being made, co-accused Bhola Choudhary



thrashed her down and started assaulting by means of iron rod, due to which she sustained grievous injury. It is further alleged that when the husband of the informant came to her rescue, co-accused Bhola Choudhary and this petitioner brutally assaulted him by means of iron rod, leading to fracture of his forearm and injury over the head. It is further alleged that the petitioner no. 2 has also brutally assaulted the informant and pressed her neck in order to kill.

4. Learned Advocate appearing on behalf of the petitioners contended that the narrations made in the F.I.R. though initially gives an impression of omnibus nature of allegation, however, later on it has been alleged that the petitioner no. 1 has assaulted the husband of the informant by means of iron rod over his forearm. Referring to the injury report, the copy of which is marked as Annexure 3 to the bail application, it is contended that though the injury has been shown to be on right forearm, however, the x-ray report which is mentioned in the injury report, talks about the injury over both the forearm and one of which is found to be grievous in nature caused by hard and blunt substance. In fact, on account of a land dispute, both the parties have entered into a free fight, resulting into injuries to persons of both the sides. The informant and her



family members have also sustained injuries. There is a counter version of the present case. It is lastly contended that with regard to an occurrence which took place on 21.08.2024, the present F.I.R. has been instituted on 02.09.2024, after a delay of more than eleven days without any explanation.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submit that the petitioners have brutally assaulted the husband of the informant, leading to grievous injury and the petitioner no. 1 also bears one criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the factum of case and counter case, coupled with the injury to the persons of both the sides and they are close relatives and the genesis of occurrence is arising out of a land dispute, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount **each** to the satisfaction of learned Additional Chief Judicial Magistrate-I, Samastipur in connection with Tajpur P.S. Case No. 208 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-



(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedents of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

supratim/-

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

