

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 35755 of 2014

Arising Out of PS.Case No. -190 Year- 2013 Thana -KHAJEKALLA District- PATNA

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1. Ashok Kumar Chandrabanshi Son of Late Ramanand Pd.
2. Subhash Kumar Chandrabanshi @ Tuntun Son of Ram Prasad
3. Sumit Kumar @ Sumit Kr. Chandrabanshi Son of Rama Prasad
All resident of Harnaha Tola, Police Station- Khajekalla, District- Patna.
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

4 27-04-2015

Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend arrest in Khajekalla
P.S. Case No. 190 of 2013 dated 21.08.2013 instituted under
Sections 147/148/149/342/323/307/354/452/379/427 of
the Indian Penal Code.

Learned counsel for the petitioners submits
that petitioner no. 1 has been falsely implicated as he was not
present at the place of occurrence which has been
corroborated by two independent witnesses. It is further
submitted that there is case and counter case between the
parties for more than a decade due to a dispute between the
advocate and his clerk resulting in litigation and cases from
both sides. Learned counsel submits that in fact the sister of
the petitioners no. 2 and 3 was brutally assaulted, her cloth

torn by the informant, his family members and associates and this is a counter case.

Learned A.P.P., upon going through the case diary, does not dispute that two independent witnesses have stated that the petitioner was away with his wife who had gone to her brother's house for tying 'Rakhi' and thus she was not present at the place of occurrence. However, it is submitted from the injury report that the allegation of specific assault assigned to petitioners no. 2 and 3 stands corroborated and just because there is case and counter case, the act of the petitioners cannot be condoned.

Considering 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 no. 1 namely Ashok Kumar Chandrabanshi 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 Additional Chief Judicial Magistrate, Patna City in Khajekalla P.S. Case No. 190 of 2013, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973. The petitioner no. 1 shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

The prayer for anticipatory bail of petitioners no. 2 and 3 stands rejected. However, in case the petitioners no. 2 and 3 surrender and seek regular bail before the Court below, the same shall be considered on its own merits without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

Anand Kr.

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