

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41585 of 2017

Arising Out of PS.Case No. -121 Year- 2016 Thana -MARKAHI District- KHAGARIA

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1. Pandaw Chaudhary, S/o Late Bishnudeo Chaudhary
2. Sitaram Chaudhary, S/o Late Etwari Chaudhary
3. Chalitra Chaudhary. S/o Shivshankar Chaudhary
All Resident of Village- Koyladih, P.S.- Morkahi, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Arbind Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 12-09-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Morkahi P.S. Case No. 121 of 2016 instituted for the offence under Sections 341, 323, 379, 504, 506 of the Indian Penal Code and Section 3/4 of Prevention of Witch Practices Act, 1999.

It has been submitted that occurrence is said to have taken place on 24.10.2016 after delay of more than 15 days. It has further been submitted that the instant case is a counter blast of Morkahi P.S. Case No. 102 of 2016 filed by the mother of petitioner No. 1 namely, Mostt. Draupadi Devi against the informant and others.

In the instant case there is allegation against petitioner No. 1 of giving katta blow on the head of the informant, but the Doctor has found the injury in the injury report, caused by hard and blunt



substance. There is no any specific allegation against petitioner Nos. 2 and 3.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Morkahi P.S. Case No. 121 of 2016, G.R. No. 2435 of 2016, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Khagaria, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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