

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43060 of 2016

Arising Out of PS.Case No. -20 Year- 2016 Thana -ROH District- NAWADA

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1. Chhotu Chaudhary, Son of Late Dukhi Chaudhary, Resident of Village-Roh, P.S.- Roh, District- Nawada.
 2. Munna Chaudhary, Son of Chhotu Chaudhary, Resident of Village-Roh, P.S.- Roh, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 10-01-2017 Heard the learned counsel for the petitioners, the learned A.P.P. for the State as also the learned counsel for the informant.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Roh P.S. Case No. 20 of 2016 for the offences punishable under sections 147, 148, 149, 323, 302 and 384 of the I.P.C.

The petitioners are not named in the First Information Report, but subsequently their names transpired during investigation in the statement of witness Prem Raj Kumar, vide paragraph-13 of the case diary, wherein general and omnibus allegation has been made. In the First Information Report there is



specific allegation against Tuser Chaudhary and Manoj Chaudhary who have assaulted the father of the informant with the iron rod resulting he succumbed to the injuries. The allegation is for demanding ransom of Rs. 5,000/- and due to non fulfillment the occurrence has taken place.

Submission is of false implication and that the petitioners are not named in the FIR, during investigation their names have come in the statement of Prem Raj Kumar but there is no specific allegation against the petitioner, in this case co-accused Sanjeev Chaudhary and Rajeev Chaudhary have been allowed bail who are named in the First Information Report, vide Cr. Misc. No. 34430 of 2016, the petitioners have got no criminal antecedents and as such they deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the petitioners were also members of the mob and they have also assaulted the deceased.

In the facts and circumstances as stated above, considering that against the petitioners there is no specific allegation, they are not named in the First Information Report and as such they, in case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be



released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of. C.J.M. Nawada in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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