

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49968 of 2017

Arising Out of PS.Case No. -221 Year- 2017 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

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1. Bablu Chaudhary
2. Mohan Chaudhary
3. Harendra Kumar @ Harendra Chaudhary All three are sons of late Ganga Chaudhary R/o Village - Bagahi Bakulia Tola, P.S. - Bairiya, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Sri Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 05-01-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Bairiya P.S. Case No. 221 of 2017 instituted for the offence under Section-379 & other minor Sections of the Indian Penal Code.

It has been submitted that there is case and counter case between the parties. The counter case has been lodged by mother of the petitioners Most. Lalmuni Devi against the informant and others being Bairiya P.S. Case No. 222 of 2017. The injury was sustained by petitioners' side also.

It is alleged that the petitioner No. 1 assaulted the informant with sword and allegation against petitioner No. 2 is of assaulting Rakesh by Farsa.

The injury report of both the injured have been enclosed as Annexure-3 series wherein the doctor has found injury simple in nature. It was directed to receive the final opinion after CT scan but no final injury report is available in the case diary.



From the injury report, it appears that lacerated wound was found on the person of the injured caused by hard blunt substance.

Counsel for the informant has appeared and opposed the prayer.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Bairiya P.S. Case No. 221 of 2017 to the satisfaction of Sri A.K. Tripathi, learned Additional Chief Judicial Magistrate, Bettiah, West Champaran subject to condition as laid down u/S 438(2) of the 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 their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond 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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