

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53714 of 2018

Arising Out of PS. Case No.-173 Year-2016 Thana- BOCHAHAN District- Muzaffarpur

Chandan Kumar Chaudhary Son of Shivjee Chaudhary, Resident of village - Sharfuddenpur, P.S. Bochahan, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 10-09-2018 Heard Sri Sheo Kumar Prasad, learned counsel for the petitioner and Sri Lakshmi Kant Sharma, learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Bochahan P.S. Case No. 173 of 2016 registered for offence under Sections 341, 323, 376, 511, 34 of the Indian Penal Code, has prayed for grant of bail, in the event of his arrest or surrender.

It was submitted by learned counsel for the petitioner that against the informant of the present case, wife of the petitioner only on 02.11.2016 had lodged a case vide Bochahan P.S. Case No. 165 of 2016 alleging therein that the informant of the present case had poured acid on the body of her husband/petitioner. In the said occurrence, the petitioner had received serious injuries and with a view to create defence, the informant of the present case has lodged the present case on



complete false accusation.

Learned Addl. Public Prosecutor has opposed the prayer for grant of anticipatory bail.

However, on examination of both the F.I.Rs i.e. F.I.R. in the present case vide Bochahan P.S. Case No. 173 of 2016 (Annexure -2), which was lodged on 10.11.2016 i.e. after about 8 days from the date of lodging of F.I.R. by the wife of the petitioner i.e. Bochahan P.S. Case No. 165 of 2016 (Annexure -3) registered on 2.11.2016, I am of the opinion that it is a fit case for grant of anticipatory bail.

Accordingly, let the petitioner, namely, Chandan Kumar Chaudhary, in the event of his arrest or surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two surities of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Bochahan P.S. Case No. 173 of 2016, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J.)

nawalkrs/-

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