

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66068 of 2018

Arising Out of PS. Case No.-29 Year-2018 Thana- RAJNAGAR District- Madhubani

Amar Chaudhary @ Amarpati Chaudhary S/o late Ram Lochan Choudhary
R/o Village- Niojamat, Bhat Simar, P.S. Raj Nagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vagisha Pragya Vacaknavi
For the Opposite Party/s : Mr.Sri Gagandeo Yadav

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 20-12-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner is apprehending arrest in connection with
Raj Nagar P.S. Case No. 29 of 2018 for the offence under
sections 341, 323, 325, 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner has no criminal antecedent.

Referring to the prosecution case and post-mortem
report learned counsel submits that there is no injury relatable to
the alleged assault by this petitioner.

Referring to the case of Dhanpati Chaudhary who was
granted bail by a coordinate bench of this, she submits that at
the worst the case of the petitioner is identical to the case of the
Dhanpati Choudhary.



Learned counsel appearing on behalf of the informant submits that Dhanpati Choudhary was granted regular bail and not anticipatory bail and even if the post mortem report does not support the prosecution case it would be appropriate that the Court may relegate the petitioner to approach the court below for grant of regular bail.

In view of the above, the petitioner is directed to surrender before the court below within a period of one month from today. On the date the petitioner surrenders before the court below, the court below is directed to dispose of the application for grant of regular bail. From the allegation prima facie it appears to this court that case of the petitioner is similar to that of Dhanpati Choudhary who has been granted bail by this Court, the court below is directed to consider the case of this petitioner on the line of the case of Dhanpati Choudhary while deciding grant of regular bail on the same day.

(Anil Kumar Upadhyay, J)

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