

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.196 of 2018

Arising Out of PS.Case No. -108 Year- 2017 Thana -KARAHGAR District- SASARAM (ROHTAS)

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1. Jai Prakash Choudhary,
2. Krishna Choudhary @ Krishna Kumar,

Both sons of Raghunath Choudhary,

3. Om Prakash Choudhary, Son of Baij Nath Choudhary,

All residents of Village- Semari, Deo, P.S.- Karaghar District- Rohtas.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kanhaiya Pandey, Advocate.

For the Respondent/s : Smt Usha Kumari No-1, Spl P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 23-05-2018 Heard learned counsel for the Appellants and learned
Spl. P.P. for the State.

This Appeal has been preferred against the impugned order dated 16.09.2017 passed by the learned **Additional District & Sessions Judge-I, Rohtas at Sasaram, in connection with Karaghar P.S. Case No. 108 of 2017** registered for the offence under Sections 341, 323, 354, 448, 504 and 506/34 of the Indian Penal Code read with Section 3 (i) (r) (s) of SC/ST Act, 2015 by which the prayer for anticipatory bail of the Appellants has been rejected.

Learned counsel for the Appellants has submitted that the instant case has been filed as counter blast of Karaghar P.S.



Case No. 109 of 2017 registered by the Appellant No.1 against the Informant and others.

In the instant case there is allegation against these Appellants that they entered into the house of the informant and assaulted the informant and his son by giving threat to kill them. It is further alleged that the accused persons after entering into the house, have also assaulted the pregnant daughter-in-law of the informant.

As such, there is general and omnibus allegation against the Appellants.

In the facts and circumstances of the case, this Appeal is allowed and the impugned order 16.09.2017 passed by the learned Additional District & Sessions Judge-I, Rohtas at Sasaram, in connection with Karaghar P.S. Case No. 108 of 2017, is hereby set aside.

Let the Appellants above named in the event of surrender/arrest within six weeks from today, in connection with **Karaghar P.S. Case No. 108 of 2017**, 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 **Additional District & Sessions Judge-I, Rohtas at Sasaram**, 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) Appellants 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 Appellants 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 Appellants.

(Sanjay Priya, J)

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