

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19707 of 2018

Arising Out of PS. Case No.-47 Year-2018 Thana- KHAGARIA District- Khagaria

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1. Ramesh Chaudhary @ Buchan Chaudhary, S/o- Priyabrat Chaudhary,
 2. Ajnavi Kumari @ Ajnabi Kumari @ Lovely Kumari, D/o- Mahesh Chaudhary, Both R/o Village- Rahimpur, P.S.- Muffasil, District- Khagaria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap
For the Opposite Party/s : Mr. Sri Bisheshwar Ram

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 504, 307, 333 and 353 of the IPC.

The prosecution case, as per the written report of Manish Kumar Anand, the Sub-Inspector of Police, Khagaria Police Station dated 30.01.2018, submitted to the Station House Officer, Khagaria Police Station is to the effect that on 30.01.2018, during patrolling, the informant received a telephonic information that some people are creating nuisance at the house of Rajeshwar Prasad Singh, upon which the informant reached at house of Rajeshwar Prasad Singh and found Mahesh



Chaudhary, Ramesh Chaudhary, Kanhaiya Chaudhary, Ajnavi Kumari along with 20-25 unknown persons, creating nuisance. The informant tried to pacify them, but they started abusing the informant when co-accused Mahesh Chaudhary ordered to assault the police personnel, whereupon 11 FIR named accused persons and 15-20 unknown persons attacked the informant as a result of which, he received injuries on the hand, leg, waist and head.

It is submitted by learned counsel for the petitioners that the present case has been lodged under a sinister design to help Rajeshwar Prasad Singh. The daughter of petitioner no.1 was married with the son of Rajeshwar Prasad Singh, who died in mysterious circumstance, leading to registration of Khagaria P.S. Caes No. 48 of 2018 against Rajeshwar Prasad Singh and others, under Section 302 of the IPC and hence, in order to protect Rajeshwar Prasad Singh, the present case has been lodged. Petitioner no.1 is a practicing Advocate at Khagaria Civil Court whereas petitioner no.2 is unmarried niece of petitioner no.1. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that there is specific accusation of



assault against the petitioners.

Considering the nature of accusation being general and omnibus and the background in which the police reached on the spot to protect Rajeshwar Prasad Singh, who is an accused in a case registered under Section 302 of the IPC, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S. Case No. 47 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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