

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19079 of 2019

Arising Out of PS. Case No.-242 Year-2018 Thana- CHHAURADANO District- East
Champaran

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1. Shambhu Chaudhary, son of Late Yogendra Chaudhary Resident of Village - Fatuha, P.S.- Chhauradano, District - East Champaran.
 2. Rajkumar Chaudhary, Son of Shambhu Chaudhary Resident of Village - Fatuha, P.S.- Chhauradano, District - East Champaran.
 3. Rajesh Chaudhary, Son of Ankur Chaudhary Resident of Village - Brahampura, P.S.- Chhauradano, District - East Champaran.
 4. Shankar Chaudhary, Son of Khedu Chaudhary Resident of Village - Brahampura, P.S.- Chhauradano, District - East Champaran.
 5. Surendra Chaudhary, Son of Khedu Chaudhary Resident of Village - Brahampura, P.S.- Chhauradano, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-03-2019 Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending their arrest in connection with Chhauradano P.S. Case No.242 of 2018 registered for the offences punishable under Sections 147, 148, 149, 447, 448, 341, 323, 354(B), 307 and 379 of the Indian Penal Code and Section 8 of the POCSO Act.

The prosecution case, as per the written report of Rampukar Chaudhary submitted to the S.H.O. Chhauradano



Police Station is to the effect that on 02.09.2018, seven persons including the petitioners entered into the house of the informant assaulted the wife of the informant, as a result, she became unconscious and when the daughter of the informant came to rescue the wife of the informant then the accused persons assaulted her and outraged her modesty and tore her cloth. The accused persons also took away Rs.5000/- kept in her house and snatched the informant's wife's Mangalsutra.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general against the petitioners and there is counter version of the occurrence as the wife of petitioner No.1, Seema Devi, recorded her fardbeyan in the hospital, which came to be registered as Chhauradano P.S. Case No.274 of 2018. It is further submitted that no injury has been caused to the informant's wife or to the daughter of the informant. It is further submitted that the petitioners are not having criminal antecedent, statement to that effect has been made in paragraph no.3 of the bail application.

Learned A.P.P. for the State has vehemently opposed the prayer for bail and submits that the seven persons including the petitioners are named in the FIR.

Considering the fact that omnibus and general



accusation has been made against the petitioners, there being a counter case filed by the petitioner's side coupled with the fact that petitioners are not having criminal antecedent, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.10000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Chhauradano P.S. Case No.242 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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