

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45976 of 2019

Arising Out of PS. Case No.-24 Year-2019 Thana- NIMCHAKBATHANI District- Gaya

1. NATHUN CHAUDHARY @ NATHUN CHOUDARY @ NATHU CHAUDHARY Son of Brahmdev Chaudhary Resident of Village - Mayen, P.S.- Nemchak Bathani, District- Gaya
2. Putush Chaudhary Son of Brahmdev Chaudhary Resident of Village - Mayen, P.S.- Nemchak Bathani, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi
For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 25-07-2019 This application, for grant of anticipatory bail, arises out of Nimchak Bathani P.S. Case No. 24 of 2019, disclosing offences under Sections 147, 307, 332, 333, 353 of the Indian Penal Code.

Allegation as per F.I.R. is that a case has been lodged against the villagers with respect to the immersion of idol of Goddess Saraswati and villagers were pressurizing the police to withdraw the said case and the police refused to withdraw the case, on which and altercation took place and villagers including petitioners pelted stones on the police party.

Submission of learned counsel for the petitioners is that they have falsely been implicated in this case and no



specific allegation has been attributed to the petitioners and further petitioner no. 1 was arrested but not remanded in this case rather he has been made accused in a case under Excise Act, alleging that he was found in drunken condition. So far petitioner no. 2 is concerned, he has been made accused only because, his motorcycle was recovered from the place of occurrence but the said motorcycle has been taken by the petitioner no. 1, who is the brother of petitioner no. 2.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case, so far petitioner no. 1 is concerned, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner no. 1 may surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, if possible on same day, without being prejudiced by this order.

So far petitioner no. 2 is concerned, in the event of his arrest or surrender before the court below within six weeks from the date of receipt / production of a copy of this order is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties



of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -X, Gaya, in connection with Nimchak Bathani P.S. Case No. 24 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

With the above observation and direction, this application is disposed of .

(Vinod Kumar Sinha, J)

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