

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4053 of 2019

Arising Out of PS. Case No.-79 Year-2018 Thana- Rahika District- Madhubani

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1. Pramod Kumar Chaudhary @ Pramod Chaudhary S/o Late Ram Briush Choudhary Resident of Village – Chandrasainpur. P.S. Rahika, District, Madhubani.
 2. Chandan Kumar, S/o Pramod Chaudhary @ Pramod Kr. Choudhary Resident of Village – Chandrasainpur, P.S. Rahika, District, Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-02-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

Petitioners are seeking anticipatory bail in connection with Rahika P.S. Case No.79 of 2018, G.R. No.1612 of 2018 registered for the offences punishable under Sections 147, 148, 149, 324, 307,504 and 379 of the Indian Penal Code.

Learned counsel for the petitioners submits that there are altogether two petitioners in this case. So far as allegation against petitioner no. 1 is concerned, it is alleged that he had given a 'Farsa' blow hitting the head of the informant but the informant could save himself by bringing his hand to his rescue. It is submitted that so far as petitioner no.2 is concerned, there is no allegation of assault against him. It is alleged that petitioner



no.2 had taken away the locket from the neck of the informant. It is further submitted that the alleged occurrence is said to have taken place on 22.07.2018 whereas, the First Information Report has been lodged on 07.08.2018.

On the other hand, learned APP for the State submits that from the narration of the facts stated in the written complaint, it would appear that the informant was brutally assaulted by all the accused persons who had surrounded him and it was petitioner no.1 who had ordered to kill the informant. Learned A.P.P. further submits that petitioner no.1 had given a 'Farsa' blow which had caused fracture in the hand of the informant, there was a repetition of the 'Farsa' blow but that could not hit the informant. The informant was admitted in the hospital where he was being treated for the injuries caused on his neck.

Having heard learned counsel for the petitioners and the learned A.P.P. for the State, this Court is of the considered opinion that in the nature of the injuries present at Annexure 'A-2', the petitioner no.1 does not deserve the privilege of anticipatory bail. However, in case the petitioner no.1 surrenders in the learned Court below within a period of four weeks from today and prays for regular bail, his prayer for regular bail shall



be considered by the learned Court without being prejudiced by the present order.

So far as petitioner no.2 is concerned, it is found that there is no specific allegation of assault against him, thus, in case of arrest or surrender of petitioner no.2 within a period of four weeks from today, the abovenamed petitioner no.2 is directed to be enlarged on bail on furnishing bail bond of Rs.15,000/-(rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM 1st, Madhubani in connection with Rahika P.S. Case No.79 of 2018, G.R. No.1612 of 2018, subject to the condition that petitioner no.2 shall join the investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation, failing which the Investigating Officer shall be at liberty to take steps for cancellation of his bail bond. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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