

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62952 of 2019

Arising Out of PS. Case No.-135 Year-2019 Thana- BAIRIYA District- West Champaran

1. SUBHASH CHAUDHARY S/o Late Nathuni Chaudhary R/o village- Narayanpur Baijua, P.S.- Bairiya, District- West Champaran, presently residing at village- Bagahi, Naya Tola, P.O.- Bagahi Ratanpur, P.S.- Bairiya, District- West Champaran
2. Umesh Chaudhary S/o Hari Chaudhary @ Harihar Chaudhary R/o village- Narayanpur Baijua, P.S.- Bairiya, District- West Champaran, presently residing at village- Bagahi, Naya Tola, P.O.- Bagahi Ratanpur, P.S.- Bairiya, District- West Champaran
3. Baharan @ Baharan Chaudhary @ Lalan Chaudhary S/o Hari Chaudhary @ Harihar Chaudhary R/o village- Narayanpur Baijua, P.S.- Bairiya, District- West Champaran, presently residing at village- Bagahi, Naya Tola, P.O.- Bagahi Ratanpur, P.S.- Bairiya, District- West Champaran
4. Dharmendra Chaudhary S/o Hari Chaudhary @ Harihar Chaudhary R/o village- Narayanpur Baijua, P.S.- Bairiya, District- West Champaran, presently residing at village- Bagahi, Naya Tola, P.O.- Bagahi Ratanpur, P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-10-2019 Learned counsel for the petitioners Mr. Sanjeev Kumar states that the petitioner nos. 2 and 3 have already been arrested and seeks permission to withdraw the anticipatory bail petition as against them, as the same has become infructuous.

2. Permission is accorded. Anticipatory bail petition as against petitioner nos. 2 and 3 is permitted to be withdrawn and is dismissed as such.

3. The petitioner nos. 1 and 4 apprehend their arrest for the offences alleged under Sections 147, 148, 149, 447, 341, 323, 324, 307, 504, 506, 379 of the Indian Penal Code registered in



connection with Bairiya P.S. Case No. 135 of 2019.

4. It is submitted that the petitioner nos. 1 and 4 has been falsely implicated in the backdrop of land disputes and there is case and counter case between the parties. The FIR has been instituted against as many as 12 named and 6-7 unknown persons. The accusation of assault is general and omnibus in nature without any specific assault attributed individually. In any event, the injuries are simple in nature except one injury sustained by the informant's mother on her right thumb, which is a non-vital part of the body. The petitioner nos. 1 and 4 claim clean antecedents.

5. Be that as it may, in the event of arrest or surrender by the petitioner nos. 1 and 4 before the court below within six weeks from the date of communication of this order, let the above named petitioner the petitioner nos. 1 and 4 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Bettiah, West Champaran, in connection with Bairiya P.S. Case No. 135 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

i. That one of the bailors shall be a close relative of the petitioner nos. 1 and 4.

ii. That the petitioner nos. 1 and 4 shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioner nos. 1 and 4 shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

iv. The petitioner nos. 1 and 4 shall remain physically present



in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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