

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17564 of 2020**

Arising Out of PS. Case No.-44 Year-2019 Thana- MAINATAND District- West Champaran

1. BAGAD SAHANI @ BAGAR SAHANI @ BAGAR CHAUDHARY S/o Mahangu Chaudhary R/o village- Jamuniya, P.S.- Lauriya, District- West Champaran
2. Sita Ram Sahani S/o Mahangu Chaudhary R/o village- Jamuniya, P.S.- Lauriya, District- West Champaran
3. Binod Chaudhary S/o Mahangu Chaudhary R/o village- Jamuniya, P.S.- Lauriya, District- West Champaran
4. Keshaw Chaudhary S/o Bagar Chaudhary R/o village- Jamuniya, P.S.- Lauriya, District- West Champaran
5. Pramod Chaudhary S/o Bagar Chaudhary R/o village- Jamuniya, P.S.- Lauriya, District- West Champaran
6. Sanzana Chaudhary @ Sanjana Devi D/o Bagar Chaudhary R/o village- Jamuniya, P.S.- Lauriya, District- West Champaran
7. Munna Chaudhary S/o Late Rajdeo Chaudhary R/o village- Bagahi Nimiya Tola, P.S.- Bairiya, District- West Champaran
8. Chhotelal Chaudhary S/o Late Rajdeo Chaudhary R/o village- Bagahi Nimiya Tola, P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 04-11-2020 Heard learned counsel for the petitioners and Mr. Syed Mojibur Rahman, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Mainatand P.S. Case No.44 of 2019 registered for the offences punishable under Sections 147,



149, 447, 341, 323, 324, 307 and 379 of the Indian Penal Code.

Learned counsel for the petitioners submits that the informant of this case is the husband of petitioner no.6. He has alleged that on 13.05.2019 at about 2.30 pm his father-in-law together with his other family members came to his house and on the issue of Bidagari of his wife they all started assaulting the informant. The informant allegedly got injury and become unconscious. Learned counsel submits that the case lodged by the informant is nothing but a counter-blast to Mainatand P.S. Case No.43/2019 lodged by the present petitioner no.6 for the same occurrence which had taken place on 13.05.2019. The husband of petitioner no.6 has lodged this case on 15.05.2019, it is a concocted case just to harass the entire family members of his in-laws to put pressure upon the petitioner no.6 not to pursue the case lodged by him.

It is further submitted that the allegations against these petitioners are general and omnibus and the injury of the informant has been found to be simple in nature.

Mr. Rahman, learned APP for the State has gone through the case diary and informs this Court that the allegations against the petitioners are general and omnibus as also that in the supplementary case diary injury report has come



and it shows simple injury to the informant.

Having regard to the facts and circumstances of the case, the nature of dispute seems to be that of the nature of a matrimonial discord between the informant and his wife leading to the present case, there is a case and counter case, the allegations against these petitioners are general and omnibus and the injury being simple in nature, let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Mainatand P.S. Case No.44 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bettiah, District-West Champaran, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police



officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the learned court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

