

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 23815 of 2020**

Arising Out of PS. Case No.-405 Year-2019 Thana- JOKIHAT District- Araria

1. ASHESWAR BAHARDAR @ ASHESHWAR CHOUDHRY S/o Late Jharilal Choudhary Resident of Village-Chakai, Milik Tola, P.S.-Jokihat, District-Araria.
2. Pankaz Chaudary S/o Asheswar Bhardar @ Asheswar Choudhry Resident of Village-Chakai, Milik Tola, P.S.-Jokihat, District-Araria.
3. Kam Dev Choudhry @ Kandeo Choudhary S/o Sinheswar Choudhry Resident of Village-Chakai, Milik Tola, P.S.-Jokihat, District-Araria.
4. Yashoda Devi @ Sudha Devi W/o Asheswar Choudhry Resident of Village-Chakai, Milik Tola, P.S.-Jokihat, District-Araria.
5. Miras Chaudhary @ Mirilal Choudhary @ Mirilal @ Hiral Choudhary S/o Late Subai Choudhary Resident of Village-Chakai, Milik Tola, P.S.-Jokihat, District-Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Nafisuzzoha, Advocate
For the Opposite Party/s : Mr Ashok Kr Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-10-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioners and the



learned APP for the State.

Petitioners apprehend their arrest in connection with Jokihat Police Station (for brevity, PS) Case No 405 of 2019 instituted on 19.11.2019 for the offence punishable under Section (s) 341, 323, 354B, 379, 504, 506/34 of Indian Penal Code.

Prosecution case is that the petitioners have assaulted the Prosecution Party. There is also an allegation of outraging the modesty of female members of the family.

Petitioners' counsel submits that based on some earlier enmity, scuffle took place between both parties and with the intervention of common friends and well wishers, the issue has been compromised and the informant has filed a petition to this extent in the Court below (Annexure 3). Petitioners bear no criminal antecedent and in view of the compromise, entire prosecution case stands belied.

Learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the Court below, within four (04) weeks from today, they shall be



released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Araria in Jokihat PS Case No 405 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fails to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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