

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22958 of 2020

Arising Out of PS. Case No.-20 Year-2020 Thana- DHANARUA District- Patna

1. KAPENDRA CHAUDHARI Son of Devsharan Chaudhary Resident of Village-Takiyapar, Dost Mahamadpur, P.S.-Dhanarua, District-Patna.
2. Upendra Chaudhari Son of Devsharan Chaudhary Resident of Village-Takiyapar, Dost Mahamadpur, P.S.-Dhanarua, District-Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 09-11-2020 Heard Mr. Vijay Anand, learned counsel appearing on behalf of the petitioners and Mr. Surendra Prasad Singh, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of anticipatory bail is confined to petitioner No.2, Upendra Chaudhuri, only, as it stood dismissed as withdrawn against petitioner No.1, Kapendra Chaudhuri, vide order dated 07.10.2020. It arises out of Dhanarua P.S. Case No. 20 of 2020, registered for the offence punishable under Sections 323/324/325/307/504/506/34 of the Indian Penal Code.

For an occurrence, said to have taken place on 01.01.2020, the First Information Report came to be registered on 17.01.2020 on the basis of written report of the informant



dated 15.01.2020. Allegedly, seven persons named in the First Information Report including this petitioner armed with *lathi-danda* attacked the informant's family leading to fracture injury sustained by the informant and her son.

It is evident from the First Information Report that the petitioner No.2 and other persons named in the First Information Report belong to the same family. Allegation against all the persons is of general and omnibus nature. There is no specific allegation against any of the persons named in the First Information Report.

Considering the above, this application is allowed.

Let the petitioner No.2, Upendra Chaudhuri, in the event of his arrest/surrender within eight weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Masaudhi, in Dhanarua P.S. Case No. 20 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part



to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 Pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the



present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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