

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27442 of 2020

Arising Out of PS. Case No.-22 Year-2020 Thana- KHAGARIA District- Khagaria

1. AMRENDRA CHAUDHARY Son of Nunu Babu @ Narendra Chaudhary Resident of Village- Rahimpur Charkhutti, P.S.- Muffasil, District- Khagaria.
2. Vinay Chaudhary Son of Nunu Babu @ Narendra Chaudhary Resident of Village- Rahimpur Charkhutti, P.S.- Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-12-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel 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.

Mr. Kalyan Shankar, learned APP, is appearing as it is submitted that the brief has been allotted to him by the office of Advocate General. His name may also be printed in the cause list.

Heard learned counsel for the petitioners and learned APP



for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

Petitioners apprehend their arrest in connection with Khagaria (Muffasil) P. S. Case no. 22 of 2020, G.R. No. 70 of 2020 instituted for the offence under Sections 147,148,149,341,323,325,307,379,408,504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that when the informant was at his house, the petitioners along with other co-accused persons have come to the house resorted to firing and also assaulted the prosecution party. The allegation is that the informant has thereafter been treated at a private hospital for the injuries sustained.

Petitioners' counsel submits that against the petitioner no.1 there is general and omnibus allegation of firing whereas against petitioner no.2 there is super addition allegation that he has taken 3,000/- Rupees from the pocket of the informant.

The specific plea of the petitioners is that at least 10 cases have been lodged between the prosecution party and the accused



persons founded on a dispute relating to 100 bighas of land. In the instant occurrence, co-accused Love Kumar has sustained firearm injuries. The same has resulted in lodging of a case from the side of the accused persons in Khagaria (Muffasil) P.S. Case no. 23 of 2020. It is further submitted that in the five cases stated to be pending against the petitioners as per paragraph no.3 of the bail petition, it is stated that the petitioners are already on bail.

The learned APP for the State has opposed the prayer for anticipatory bail by submitting that the petitioners have criminal antecedents also.

Considering the aforesaid facts, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners before the court below, named above, within four (04) weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of CJM Khagaria in connection with Khagaria (Muffasil) P. S. Case No. 22 of 2020, G.R. No. 70 of 2020, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to 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 fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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