

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28700 of 2020

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

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1. Sikandar Kumar @ Sikandar Choudhary, Son of Upendra Choudhary, Resident of Dost Mahmadpur, P.S.- Dhanarua, District- Patna.
 2. Kaleshar Choudhary @ Kaleshwar Choudhary, Son of Late Ramu Choudhary, Resident of Dost Mahmadpur, P.S.- Dhanarua, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Sharan, Advocate

For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-12-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

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

Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with 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.

It is alleged that the petitioners and their family members armed with stick and bamboo have assaulted the informant and her family members, leading to injuries.

Petitioners' counsel submits that the scuffle had broken out on account of some dispute regarding flowing of water. It is further submitted that the falsity of the allegations is evident from the fact that the F.I.R. has been lodged after a delay of 15 days from the date of occurrence. Other co-accused, namely, Upendra Chaudhari, Shanti Devi and Sarita Devi, have been extended the privilege of anticipatory bail by this Court. Allegations against the petitioners are general and omnibus and therefore, prayer is also made on the ground of parity with other co-accused persons.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with



two sureties of the like amount each to the satisfaction of learned S.D.J.M., Masaurhi, in connection with Dhanarua P.S. Case No.20 of 2020, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors 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 bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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