

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28725 of 2020

Arising Out of PS. Case No.-81 Year-2020 Thana- DURAULI District- Siwan

1. HARE KRISHNA CHAUBEY Son of Late Jai Narayan Chaubey Resident of Village- Karnai, P.S.- Darauli, District- Siwan
2. Pankaj Chaubey @ Pankaj Kumar Chaubey Son of Late Jai Narayan Chaubey Resident of Village- Karnai, Police Station- Darauli, District- Siwan.
3. Guddu Chaubey @ Guddu Kumar Chaubey Son of Rajendra Chaubey @ Rajandar Chaubey Resident of Village- Karnai, Police Station- Darauli, District- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv.
For the Opposite Party/s : Ms. Pushpa Sinha APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-12-2020 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.

Ms. Pushpa Sinha, learned APP, is appearing as it is submitted that the brief has been allotted to her by the office of Advocate General. Her 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 Darauli P. S. Case no. 81 of 2020, instituted for the offence under Sections 341,323,324, 307, 379, 504 and 506/34 of the Indian Penal Code.

As per prosecution case, the accused persons were cutting the bamboo from the bamboo clump which was objected by the informant on account of which the informant was assaulted by the accused persons by various means.

Petitioners' counsel submits that the F.I.R. discloses land dispute being the basis of the prosecution case. The specific allegation of assault by '*Dab*' is against co-accused Rajnish Chaubey. Against the petitioners, there is general and omnibus allegation of assault by means of stick upon



the prosecution party. There is case and counter case as a free fight has taken place between the parties in which the petitioner no.1 has also sustained injuries which is obvious from the injury report (Annexure-4). The petitioners bear no criminal antecedents as per statements made in para 3 of the bail petition.

The learned APP for the State has opposed the prayer for anticipatory bail.

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 Judicial Magistrate 1st Class, Siwan, in connection with Darauli P. S. Case No. 81 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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