

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72676 of 2019**

Arising Out of PS. Case No.-70 Year-2019 Thana- UCHKAGAON District- Gopalganj

Janardhan Chaudhary, Son of Shivpujan Choudhary, Resident of Village-
Nawada Parsauni, P.S.- Uchakagaon, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam
For the Opposite Party/s : Mr. Amitesh Kumar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 06-03-2020 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 342, 323, 313, 354, 504 and 506/34 of the IPC.

The prosecution case, as per the written report of Munni Devi submitted to the Station House Officer, Uchakagaon Police Station, is to the effect that on 04.03.2019 at about 9:30 AM, the husband of the informant was repairing the hand pump, in the meantime, nine accused persons, including the petitioner came and raised objection and started abusing. On protest being made, the accused persons assaulted the husband of the informant with fists and slaps. When the pregnant wife of the informant came to rescue him, then co-accused, Jitendra Yadav tore her clothes and



assaulted on her abdomen with leg, as a result, the pregnancy of the informant's wife got terminated.

It is submitted by learned counsel of the petitioner that the accusation against the petitioner is omnibus and general and specific accusation of assaulting on the abdomen of the informant is against co-accused Jitendra Yadav. In fact, the petitioner is agnate of the informant and in the background of earlier land dispute, the accusation has falsely been levelled against the petitioner. There is a counter version of the occurrence being Uchakagaon P.S. Case No. 71 of 2019, registered by the petitioner's side. Moreover, similarly situated co-accused, Shivpujan Choudhary and others have been granted anticipatory bail by a Coordinate bench of this Court vide order dated 21.01.2020, passed in Criminal Miscellaneous No. 69240 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent,

Learned APP submits that the petitioner is named in the FIR.

Considering the general and omnibus accusation of assaulting the informant against the accused persons and the fact that specific accusation of assaulting the informant is against co-



accused, Jitendra Yadav, similarly situated co-accused persons have been granted bail by a coordinate Bench of this Court, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-IX, Gopalganj in connection with Uchakagaon P.S. Case No. 70 of 2019 subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J.)

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