

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1008 of 2020

Arising Out of PS. Case No.-166 Year-2019 Thana- GANGABRIDGE District- Vaishali

1. Nirmala Devi Wife of Late Ganesh Chaudhary Resident of Village - Nawada Khurd, P.S.- Ganga Bridge, Distt.- Vaishali.
2. Santosh Chaudhary Son of Late Ganesh Chaudhary Resident of Village - Nawada Khurd, P.S.- Ganga Bridge, Distt.- Vaishali.
3. Vikash Chaudhary @ Vikash Kumar Son of Late Ganesh Chaudhary Resident of Village - Nawada Khurd, P.S.- Ganga Bridge, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Bhardwaj, Advocate
For the Opposite Party/s : Mr.Pancha Nand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-02-2020 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail petition of petitioner no. 2, as during pendency of the case petitioner no. 2 has already been arrested.

Prayer is allowed. The anticipatory bail petition of petitioner no. 2 is dismissed as withdrawn being infructuous.

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

The petitioner no. 1 and petitioner no. 3 apprehend their arrest in **Ganga Bridge P.S. Case No. 166 of 2019**, registered for the offence punishable under Sections 341, 323,



324, 379, 307, 504 and 34 of the Indian Penal Code.

It is submitted by learned counsel appearing on behalf of petitioners that petitioners have falsely been implicated in this case. There is general and omnibus allegation against the petitioners. There is case and counter case. Both sides sustained injuries. Specific allegation of assault by Sickle is against the co-accused Mukesh Chaudhary who has been granted bail by a coordinate Bench of this court vide order dated 22.01.2020 passed in Cr. Misc. NO. 4048 of 2020. Petitioners have got clean antecedent.

Considering the facts aforesaid, Nirmala Devi petitioner no. 1 and Vikash Chaudhary petitioner no. 3, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **Chief Judicial Magistrate, Vaishali** in connection with **Ganga Bridge P.S. Case No. 166 of 2019**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The petitioners shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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