

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 30091 of 2020

Arising Out of PS. Case No.-246 Year-2019 Thana- RUPASPUR District- Patna

1. FAUDARI CHAUHAN @ FAUJADARI CHAUHAN @ KADARI CHAUHAN Son of Late Gangdhari Chauhan Resident of Village - Tarwan, P.S.- Fatehpur, District - Gaya.
2. Phulo Devi Wife of Sri Sanjay Chauhan Resident of Village - Tahal Tola, P.S.- Rupaspur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ashok Kumar Sinha, Advocate
For the Opposite Party/s : Ms Meena Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 05-01-2021 Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners apprehend arrest in connection with Rupaspur Police Station (for brevity, *PS*) Case No 246 of 2019 instituted for the offence punishable under Sections 341, 323, 307, 379, 504, 506/34 of Indian Penal Code.

The prosecution case is that the informant's brother (Sanjay Chauhan) along with petitioner No 1 (father-in-law of Sanjay Chauhan) and petitioner No 2 (wife of Sanjay Chauhan) have assaulted the informant by iron rod and they have also assaulted the wife of the informant.

Petitioners' counsel submits that the informant and |



Sanjay Chauhan are own brothers. A fist fight ensued on account of subsisting land dispute leading to the injuries. Petitioners No 1 and 2 have falsely been implicated merely due to their relationship with Sanjay Chauhan. These petitioners bear no criminal antecedent and it is specifically stated in the petition that the doctor has found only simple injury upon the informant and his wife.

Learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the Court below, within four (04) weeks from today, they shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate II, Danapur, District – Patna in Rupaspur PS Case No 246 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also 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.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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