

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30078 of 2020

Arising Out of PS. Case No.-9 Year-2020 Thana- KOILWAR District- Bhojpur

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1. Rakesh Choudhary, S/O Kameshwar Choudhary, R/o Village - Englishpur, P.S. - Koilwar, Dist. - Bhojpur.
 2. Sonu Choudhary, S/O Kameshwar Choudhary, R/o Village - Englishpur, P.S. - Koilwar, Dist. - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rina Sinha, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 02-02-2021 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Koilwar P.S. Case No.09 of 2020 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code.

A minor scuffle took place between the informant, the petitioners and co-accused Rohit Kumar. A couple of hours later, the petitioners along with other accused persons, armed with “*Lathi*”, “*Danda*” and iron rod, came and on instigation of one Shila Devi, all assaulted the informant and his father, nephews and his brother when they had come to his rescue.



Specific allegation of assault upon Ramanuj Chaudhary by “*Dab*” is against the petitioners.

Counsel for the petitioners submits that it is a false case. Co-accused Kameshwar Chaudhary has lodged Koilwar P.S. Case No.04 of 2020 against the informant of this case and the instant prosecution is counterblast to the said case. Falsity is further evident from the fact that the F.I.R. has been lodged on 08.01.2020 in respect of the occurrence alleged to have taken place on 01.01.2020. Section 307 I.P.C. is not applicable in this case and allegations are general and omnibus.

Learned APP for the State has opposed the prayer for anticipatory 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 Chief Judicial Magistrate, Bhojpur at Ara, in connection with Koilwar P.S. Case No.09 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 her undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date she is called upon to do so by the office.

(Madhuresh Prasad, J)

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