

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2156 of 2020

Arising Out of PS. Case No.-310 Year-2019 Thana- HUSSAINGANJ District- Siwan

1. Rajbanshi Chaudhary @ Rajavanshi Chaudhari, Son of Late Budhu Chaudhari
2. Sita Ram Chaudhary, Son of Late Sahdev Chaudhari
3. Arjun Choudhary, Son of Ganga Visun Chaudhary
4. Harindra @ Hariendra Yadav @ Harinder Yadav, Son of Late Budhu Chaudhari
5. Shyamji Chaudhary @ Sanjay Chaudhari, Son of Shree Ram Chaudhari
6. Sita Ram Yadav @ Sita Ram Chaudhari, Son of Chandradev Yadav @ Chandradevi Chaudhary @ Chandradev Chaudhary
7. Indal Yadav @ Indrajit Chaudhari, Son of Rama Chaudhary @ Ramji Yadav
8. Parma Chaudhary @ Paramanand Yadav, Son of Rajanarayan Yadav @ Rajnarayan Chaudhary
9. Chait Chaudhari, Son of Late Madai Chaudhari
10. Bigu Chaudhary @ Bigu Chadhary @ Ajit Kumar Yadav, Son of Chirkut Chaudhari @ Chirkut Yadav
11. Krishna Yadav, Son of Dashai Chaudhari @ Dashai Yadav
12. Santosh Chaudhary @ Santosh Yadav, Son of Nandji Yadav @ Nanji Chaudhari

All are Residents of Village- Qutub Chapra, P.S.- Hussainganj, District- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prashant Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 17-04-2021 Heard learned counsel for the appellants and learned
counsel for the State.

This appeal is admitted.



This appeal has been filed against the order dated 26.08.2020 passed by learned Additional Sessions Judge-1-cum-Special Judge, Siwan in connection with Hussainganj P.S. Case No. 310/2019, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 354, 307, 504, 506 of the Indian Penal Code and Sections 3 (1) (r), 3 (2) (va) of SC/ST (Prevention of Atrocities) Act by which the prayer of the appellants for grant of anticipatory bail has been rejected.

Allegation against the co-accused including the appellants is to have assaulted the informant's side and also hurled abuses by using caste name, however, counsel for the appellants submits that there is case and counter case between the parties. Both sides have received injuries. There is no specific allegation against any of the appellants inasmuch as there is delay of two days in lodging the FIR.

Considering the facts and circumstances of the case, let the appellants, above-named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-1-cum-Special Judge, Siwan in connection with



Hussainganj P.S. Case No. 310 of 2019 subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with a further condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Shivaji Pandey, J)

V.K.Pandey/-

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