

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40036 of 2020**

- =====
1. Dilip Chauhan, aged about 48 years, Gender-Male, S/o Jagarnath Chauhan
  2. Krishna Chauhan @ Krishna Kumar, aged about 22 years, Gender-Male, S/o Dilip Chauhan
  3. Arti Devi, aged about 40 years, Gender-Female, W/o Dilip Chauhan

All are resident of village-Gobindpur, P.S. Barun, District-Aurangabad

----- Petitioner

Versus

The State of Bihar

----- Opposite Parties

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**Appearance:-**

For the Petitioner:- Mr. Krishna Singh, Sr. Advocate

For the State :- Mr. Abhay Kumar Roy , APP

For the Informant: - Mr. BirendraKumar Singh, Advocate

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**CORAM:HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**

**ORAL ORDER**

2.      **03.06.2021**                      The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned senior counsel for the petitioners and Shri. Birendra Kumar Singh, learned A.P.P. for the State.

At the outset, the learned senior counsel for the petitioner Shri. Krishna Singh, seeks to withdraw the present petition qua the petitioners no. 1 & 2, in order to enable them to surrender before the learned court below and seek regular bail. Accordingly, the present petition qua the petitioners no. 1 and 2 stands disposed off as not pressed, however, with liberty to them to surrender before the learned court below and seek regular bail.

The petitioner No. 3 apprehends her arrest in connection with Barun P.S. Case No. 145 of 2020 for the offence registered under Sections 379, 341, 323, 324, 325, 504, 506 and 34 of the Indian Penal Code.

The allegation is regarding the accused persons having assaulted the informant resulting in him sustaining serious injuries on his person.

The learned senior counsel for the petitioner No. 3 has submitted that the petitioner No. 3 is innocent, has been falsely implicated in the present case and she is having a clean antecedent. The learned senior counsel for the petitioner No. 3 has further submitted that as far as the petitioner no. 3 is concerned, she has not been alleged to have engaged in any sort of overt act, hence at least she is entitled to the privilege of anticipatory bail.

Per contra, the learned counsel for the informant Shri. Birendra Kumar Singh and the Ld. A.P.P. for the State Shri. Abhay Kumar Roy, have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the fact that the petitioner no. 3 has not been alleged to have assaulted the

informant, I deem it fit and proper to admit the petitioner no. 3 to the privilege of anticipatory bail.

Accordingly, the Petitioner No. 3, is directed to be released on anticipatory bail in the event of her arrest/ surrender before the court below within a period of eight weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Barun P.S. Case No. 145 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

S.Sb/-