

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.851 of 2021

Arising Out of PS. Case No.-255 Year-2019 Thana- KARAHGAR District- Rohtas

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BECHU CHAUDHARY, Male, aged about 75 years, Son of Late Doma Chaudhary, Resident of - Balirampur, P.S. Kargahar, District.- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Sinha, Advocate.

For the Opposite Party : Mr. Nityanand Tiwari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 08-07-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 147, 149, 446, 341, 324, 307, 325, 379, 504 and 506 of the I.P.C.

The prosecution story, in brief, is that on 15.10.2019 at about 7.00 A.M. in the morning, Bechu Chaudhary (petitioner), Upendra Chaudhary, Phulendra Chaudhary, Uma Shankar Chaudhary and Arjun Chaudhary entered the house of the informant, abused and assaulted with Lathi, Danda, Rami, Garasa and Iron rod. In that course, Bechu Chaudhary



(petitioner) assaulted with Garasa on the head of younger brother of the informant causing head injury. Uma Shankar Chaudhary, Phulendra Chaudhary and Upendra Chaudhary after entering the house of the informant, assaulted the wife and daughter of the informant. When his mother intervened, she was also assaulted. Arjun Chaudhary, Madan Chaudhary and Sudarshan Chaudhary assaulted with Danda and Rami to the younger brother of the informant, namely, Birendra Kumar Chaudayry. In course of scuffle, they took Rs. 25,000/- from the pocket of the informant and gold chain from his neck. They demanded Rangdari repeatedly from the informant and on refusal they threatened to kill him.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. Nature of injury is said to be simple. The injury report is Annexure-3 to the present application. No offence under Section 307 of the I.P.C. is made out. At best, it is case for offence under Section 324 of the I.P.C.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of



the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned A.C.J.M.,Rohtas at Sasaram, in connection with Kargahar P.S. Case No. 255 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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