

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.122 of 2021

Arising Out of PS. Case No.-236 Year-2020 Thana- NAUTAN District- West Champaran

1. Deepak Chaudhary, Son of Dhurendra Chaudhary, Resident of Village - Khaira Tola, P.s.- Nautan, Distt.- West Champaran.
2. Indu Devi, W/o Dhurendra Chaudhary, Resident of Village - Khaira Tola, P.s.- Nautan, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate.

For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 06-08-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through Video Conferencing.

The petitioners apprehend their arrest in connection with Nautan P.S. Case No. 236 of 2020, registered under Sections 147, 148, 149, 341, 323, 353, 413 and 414 of the Indian Penal Code.

The accusation is that in course of investigation and raid in connection with Nautan P.S. Case No. 235 of 2020, informant along with other police personnel reached at village Khaira Tola at the house of Deepak Chaudhary (petitioner no.1) then on seeing the



police party, Deepak Choudhary (petitioner no.1) started to flee away but on chased, he was caught hold and paper was demanded regarding the Splendor plus motorcycle without registration number but he did no give satisfactory reply then that motorcycle was seized. At that time, all of sudden, Dhurendra Chaudhary having Farsa in his hand along with his wife and daughter and some unknown ladies came and attacked to the police party and managed to set free to Deepak Chaudhary (petitioner no.1).

Learned counsel for the petitioners submits that, in fact, in the midnight, the police party entered in the house of the petitioners without search warrant and misbehaved the female members, regarding which, Complaint Case No. 596 of 2020 has been filed on 19.08.2020 in the court of Chief Judicial Magistrate, West Champaran at Bettiah. Further submission is that present case has been lodged by the informant, who is police officer on 10.07.2020, which would appear from the FIR but the same FIR was sent to the court of Chief Judicial Magistrate on 29.08.2020 after one month. It is further submitted that petitioner no. 2, who is the wife of co-accused, Dhurendra Chaudhary, has been implicated in the present case with false allegation.

Having regard to the facts and circumstances of the case, let the above named petitioner no. 2, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six 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 the learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Nautan P.S. Case No. 236 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So far as the prayer for pre-arrest bail of petitioner no. 1, Deepak Choudhary, is concerned, taking into consideration and the nature of allegation against him, I am not inclined to grant anticipatory bail to him. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner no.1 is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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