

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4117 of 2021

Arising Out of PS. Case No.-149 Year-2020 Thana- NIMCHAKBATHANI District- Gaya

1. BUDHU CHAUDHARY Son of Late Gorakh Chaudhary @ Late Sukhalal Chaudhary Resident of Village - Dharmuchak, P.S.- Neemchak Bathani, District - Gaya.
2. Suraj Chaudhary @ Suraj Chaudhary Son of Chandrika Chaudhary Resident of Village - Dharmuchak, P.S.- Neemchak Bathani, District - Gaya.
3. Dharmendra Chaudhary @ Dharmendra Chaudhary @ Dharmendra Kumar Son of Chandrika Chaudhary Resident of Village - Dharmuchak, P.S.- Neemchak Bathani, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh
For the Opposite Party/s : Mr. N. N. Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-07-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in a case registered under Sections 341, 323, 379, 504 and 307/34 of the Indian Penal Code.

The prosecution allegation, in short, is that on the issue of drainage of water in the field, the accused persons assaulted the informant and family members due to which they



sustained injuries.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. There is a case and counter case between the parties. A free fight is alleged to have taken place. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands. The nature of injury is said to be simple. Hence, no offence under Section 307 IPC is made out.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances and also the lockdown, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned A.C.J.M. -X, Gaya in connection with Neemchak Bathani P.S. Case No. 149/2020, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each 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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