

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8228 of 2021

Arising Out of PS. Case No.-144 Year-2020 Thana- TEKARI District- Gaya

1. Nageshwar Chaudhary, son of Late Lakhan Chaudhary
2. Chandan Chaudhary, son of Nageshwar Chaudhary
3. Tutu Chaudhary, son of Nageshwar Chaudhary
4. Bakhauri Chaudhary, son of Late Lakhan Chaudhary
5. Ranjan Chaudhary, son of Bakhaura Chaudhary
6. Subhash Chaudhary, son of Bakhora Chaudhary
7. Rohit Chaudhary, son of Bakhora Chaudhary
8. Manoj Chaudhary, son of Late Sunaina Chaudhary
9. Anil Chaudhary, son of Santosh Chaudhary
10. Gora Chaudhary, son of Aandhi Chaudhary
11. Guddu Chaudhary, son of Anjani Chaudhary
12. Kiran Devi, wife of Suresh Chaudhary
13. Runi Devi @ Ruby Devi, wife of Chandan Chaudhary

All are resident of Village - Sowal, P.S. - Tekari and District-Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-12-2021 Heard learned counsel for the petitioners and Mr. Nagendra Prasad, learned APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Tekari P.S. Case No. 144 of 2020 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 504 and 34 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.



As per the prosecution story, the informant has alleged that on 06.04.2020 at about 8:00 P.M. all the named accused persons assaulted him and his family member by lathi. Bakhaury Chaudhary assaulted him by rod as a result of which his hand has been broken. Other persons received injury on the head.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case due to old enmity. Learned counsel further submits that the occurrence has been taken place on 06.04.2020 and the present F.I.R. has been lodged on 09.04.2020 after delay of three days.

Learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioners.

Having regard to the facts and circumstances of the case, wherein altogether thirteen persons are named in the F.I.R., the F.I.R. has been lodged after three days of the alleged occurrence and the allegations so far as the petitioners except petitioner no. 4 are concerned against them are general and omnibus, the petitioners have otherwise no criminal antecedent, in the nature of the disputes, this Court directs that in the event of their arrest or surrender within a period of four weeks from today, let the petitioners above-named, except petitioner no. 4 (Bakhaury Chaudhary), be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like



amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Gaya in connection with Tekari P.S. Case No. 144 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

So far as petitioner no. 4 namely, Bakhauri Chaudhary is concerned, if he surrenders before the learned court below and prays for regular bail within four weeks from today, his prayer for regular bail shall be considered on it's own merit without being prejudiced by the order of this court.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

