

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10776 of 2021

Arising Out of PS. Case No.-186 Year-2020 Thana- NOKHA District- Rohtas

1. SUNIL CHAUDHARY @ SUNIL KUMAR Son of Loknath Chaudhary Resident of Village- Rampur, P.S.- Nokha, District- Rohtas at Sasaram.
2. Rakesh Chaudhary @ Rakesh Kumar Son of Loknath Chaudhary Resident of Village- Rampur, P.S.- Nokha, District- Rohtas at Sasaram.
3. Mithilesh Chaudhary @ Mithilesh Kumar Son of Loknath Chaudhary Resident of Village- Rampur, P.S.- Nokha, District- Rohtas at Sasaram.
4. Vikash Chaudhary @ Anish Kumar Son of Loknath Chaudhary Resident of Village- Rampur, P.S.- Nokha, District- Rohtas at Sasaram.
5. Yashoda Devi Wife of Loknath Chaudhary Resident of Village- Rampur, P.S.- Nokha, District- Rohtas at Sasaram. ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Babu Nandan Prasad, Adv.
For the Opposite Party : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-12-2021 Heard Mr. Babu Nandan Prasad, learned Advocate for the petitioners and Mr. Suresh Prasad Singh, learned Additional Public Prosecutor for the State.

The petitioners seek bail in anticipation of their arrest in connection with Nokha P.S. Case No. 186 of 2020 dated 19.09.2020 instituted for the offences under Sections 147, 149, 341, 323, 325, 307, 504 and 506 of the Indian Penal Code and 3 and 4 of the Dian Act.

The petitioners have been specifically alleged to have assaulted the informant, his mother and father on the charge of the mother of the informant practicing witchcraft. The mother



and father of the informant have received grievous injuries.

Learned counsel for the petitioners has submitted that for an occurrence which took place on 11.09.2020, the subject FIR has been lodged on 19.09.2020, i.e., after delay of about eight days. He has further submitted that without the registration of the case, the injuries of the victims were examined. There is a counter version of the occurrence also by way of Nokha P.S. Case No. 188 of 2020 lodged by wife of petitioner no. 1.

None of these grounds weigh with this Court in granting anticipatory bail to the petitioners who have specifically been alleged to have assaulted the parents of the informant and the informant also on the charge of the mother of the informant practicing necromancy.

In view of the specific accusation against petitioners 1, 2, 3 and 4 their prayer for anticipatory bail is rejected.

However if the petitioners 1, 2, 3 and 4 before the Court below and seek bail, their application shall be considered on its own merits, taking into account the above noted facts viz the counter version of the occurrence; delay in lodging the FIR and that the petitioners are agnates of the informant, and shall pass order in accordance with law without being prejudiced with



the fact that the present petition not been entertained.

So far as petitioner no. 5 (Yashoda Devi) is concerned, it has been urged on her behalf that she is a lady and has only been made accused in this case because of her family members.

In the absence of any specific accusation against her and taking note of her gender, she is directed to be released on bail, in the event of her arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, on her furnishing bail bond in the sum of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Rohtas at Sasaram, in connection with Nokha P.S. Case No. 186 of 2020 subject to the conditions as laid down under Section 438(2) of the Criminal Procedure Code.

(Ashutosh Kumar, J)

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