

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8324 of 2022

Arising Out of PS. Case No.-790 Year-2021 Thana- GARKHA District- Saran

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AJAY CHAUDHARY @ GAMA CHAUDHARY SON OF HARI KISHOR
CHAUDHARY Resident of Village - Mithepur Bramhasthan, P.s.- Garkha,
Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 8335 of 2022

Arising Out of PS. Case No.-790 Year-2021 Thana- GARKHA District- Saran

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SANJAY CHAUDHARY S/O HARI KISHOR CHAUDHARY R/O
VILLAGE- MITHEPUR BRAMHASTHANA P.S.- GARKHA DISTRICT-
SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 8440 of 2022

Arising Out of PS. Case No.-790 Year-2021 Thana- GARKHA District- Saran

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DEWAKI DEVI W/o- HARI KISHOR CHAUDHARY Resident of Village-
Mithepur Bramhasthana, P.S.- Gorkha, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 8813 of 2022

Arising Out of PS. Case No.-790 Year-2021 Thana- GARKHA District- Saran

=====

GEETA DEVI W/O SANJAY CHAUDHARY R/O VILLAGE- MITHEPUR
BRAMHASTHANA P.S. GARKHA DISTRICT- SARAN

... .. Petitioner/s

Versus



The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 8324 of 2022)

For the Petitioner/s : Mr. Anant Kumar Bhaskar

For the Opposite Party/s : Mr. APP

(In CRIMINAL MISCELLANEOUS No. 8335 of 2022)

For the Petitioner/s : Mr. Anant Kumar Bhaskar

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

(In CRIMINAL MISCELLANEOUS No. 8440 of 2022)

For the Petitioner/s : Mr. Anant Kumar Bhaskar

For the Opposite Party/s : Mr. Anil Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 8813 of 2022)

For the Petitioner/s : Mr. Anant Kumar Bhaskar

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-08-2022 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

A supplementary affidavit, carrying out necessary correction in the main application, has been filed on behalf of the petitioner of Cr. Misc. No.8324 of 2022, which forms part of this application.

The petitioners seek bail in a case registered for the offence under Sections 341, 323, 307, 353, 332, 333, 393, 504, 506 and 34 of the Indian Penal Code.

According to the prosecution case, 20.05 liters of country made liquor has been recovered from the possession of the co-accused, Sanjay Chaudhary beneath the bed. It is further alleged that while the police personnel were raiding the house of the co-accuse, his companions



intercepted and tried to create obstacles to the raiding party and on protest, the petitioners by way of danda causing injury to the informant and their cops.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that there is general and omnibus allegation against the petitioners and no specific allegation of assault is attributed to them. He further submits that so far as allegation of assault is concern, the injury report clearly suggests that all injuries sustained by the person of the injured are superficial in nature and caused by a hard and blunt substance. He further submits that altogether four have been made accused in this case and surprisingly out of them, two are females who are also alleged to have assaulted the police personnel, which clearly depicts that the entire prosecution is out and out a false and fabricated one and the same has been buttress to falsely implicate the petitioners. The petitioners, namely, Ajay Chaudhary @ Gama Chaudhary, Geeta Devi, Sanjay Chaudhary and Dewaki Devi are rotting in judicial custody since 04.01.2022, 22.11.2021, 29.11.2021 and 04.01.2022, respectively.



Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioners namely, Ajay Chaudhary @ Gama Chaudhary and Sanjay Chaudhary are having one criminal antecedent whereas the petitioners, namely, Geeta Devi, and Dewaki Devi are having clean antecedents.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Garkha P.S. Case No. 790 of 2021 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



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.

(Rajesh Kumar Verma, J)

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