

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19399 of 2022

Arising Out of PS. Case No.-316 Year-2021 Thana- RAJAPAKAR District- Vaishali

1. AWADHESH CHAUDHARY @ AWADHESH KUMAR CHAUDHARY
SON OF LATE LALITA CHAUDHARY R/o village- Bakhri Supain, P.S.-
Raja Pakar, District- Vaishali
2. Rajesh Chaudhary @ Rajesh Kumar Chaudhary S/o Awadhesh Chaudhary
@ Awadhesh Kumar Chaudhary R/o village- Bakhri Supain, P.S.- Raja
Pakar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Kumar, Adv
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Vide order dated 28.07.2022, the bail application on behalf of the petitioner no.2 was dismissed as withdrawn, as such today this application is being heard for consideration of anticipatory bail on behalf of petitioner no.1 only.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 324, 325,



307 and 354/34 of the Indian Penal Code.

The allegation against the petitioner is that he along with other accused persons have indiscriminately assaulted the informant's side by means of deadly weapons.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that for the alleged occurrence, there is a case and counter-case between the parties. There is no specific overt act against the petitioner. The occurrence took place on 09.11.2021 and the F.I.R. was lodged on 17.11.2021 i.e. after a delay of 8 days, without giving any plausible explanation regarding the delay which creates a serious doubt about the prosecution case. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is a general and omnibus allegation against the



petitioner and there is a delay in lodging the F.I.R., let the above named petitioner no.1, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Rajapakar P.S. Case No.316/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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