

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36120 of 2021

Arising Out of PS. Case No.-98 Year-2020 Thana- PIRO District- Bhojpur

1. LAL DHARI CHAUDHARI SON OF LATE MOHAN CHAUDHARI R/O VILLAGE- NARAYANGARH, P.S.- PIRO, DISTRICT- BHOJPUR
2. VIJAY CHAUDHARI SON OF LATE DASHRATH CHAUDHARI R/O VILLAGE- NARAYANGARH, P.S.- PIRO, DISTRICT- BHOJPUR
3. UMA SHANKAR CHAUDHARI SON OF VIJAY CHAUDHARI R/O VILLAGE- NARAYANGARH, P.S.- PIRO, DISTRICT- BHOJPUR
4. NITISH KUMAR SON OF TRIBHUWAN CHAUDHARI R/O VILLAGE- NARAYANGARH, P.S.- PIRO, DISTRICT- BHOJPUR
5. TIRANGA DEVI @ HIRAJI DEVI WIFE OF PRAMOD CHAUDHARI R/O VILLAGE- NARAYANGARH, P.S.- PIRO, DISTRICT- BHOJPUR
6. HARI @ HARI PRASAD CHAUDHARI SON OF LATE MATHUA CHAUDHARI R/O VILLAGE- NARAYANGARH, P.S.- PIRO, DISTRICT- BHOJPUR
7. GANGOTRI DEVI WIFE OF BIJAY CHAUDHARI R/O VILLAGE- NARAYANGARH, P.S.- PIRO, DISTRICT- BHOJPUR
8. UPENDRA CHAUDHARI SON OF NAGA CHAUDHARI R/O VILLAGE- NARAYANGARH, P.S.- PIRO, DISTRICT- BHOJPUR
9. MITHUN CHAUDHARI SON OF LATE BABAN CHAUDHARI R/O VILLAGE- NARAYANGARH, P.S.- PIRO, DISTRICT- BHOJPUR
10. DHARMENDRA CHAUDHARI SON OF NAGA CHAUDHARI R/O VILLAGE- NARAYANGARH, P.S.- PIRO, DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Prasad Gupta
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-02-2022 Heard learned counsel for the petitioners and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioners undertakes to
remove the defects as pointed out by the office within a period



of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

At the outset, learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail with respect to petitioner nos.8 and 9.

Permission is granted.

Accordingly, the prayer for anticipatory bail made through the instant application, on behalf of the petitioner nos.8 and 9 is dismissed as withdrawn.

Now, the present application is being heard as against the rest petitioners.

The petitioners apprehend their arrest in a case in connection with Piro P.S. Case No.98/2020, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 447, 307, 504, 506, 354(B) of the IPC and 27 of the Arms Act.

The allegation against the petitioners is that they along with other named accused persons armed variously, indiscriminately assaulted the informant and when her sister and uncle came to save her, they were also assaulted by the accused persons.

It is submitted by learned counsel for the petitioners



that the petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to dirty village politics. No such occurrence in the manner as alleged has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. For the same occurrence there is a case and counter-case between the parties. In fact a free fight has taken place in which both sides have sustained injuries, which are simple in nature. Petitioners have no criminal antecedent and several similarly situated co-accused have been enlarged on anticipatory bail by a co-ordinate Bench of this court vide order dated 19.01.2022 passed in Cr. Misc. No.30323 of 2021.

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

Having regard to the facts and circumstances of the case, since several similarly situated co-accused have been granted bail, let the above named petitioners except petitioner nos.8 and 9, be released on bail, in the event of their 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) each 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
Piro P.S. Case No.98/2020, subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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