

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26849 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- RAJGIR District- Nalanda

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1. Pankaj Chaudhary @ Dinesh @ Dinesh Chaudhary Son Of Munshi Chaudhary R/O Village- Dumri, P.S.- Rajgir, District- Nalanda
 2. Munshi Chaudhary Son Of Haro Chaudhary R/O Village- Dumri, P.S.- Rajgir, District- Nalanda

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners seeks permission
to withdraw the present application in respect of petitioner No. 2
as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect
of petitioner No. 2.

Learned counsel for the petitioner No. 1 is directed to
remove the defect(s), as pointed out by the Office, within a
period of four weeks.

The petitioner No. 1 is apprehending his arrest in a



case registered under Sections 323, 341, 307, 504, 506 of Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in short, is that the accused persons, variously armed, assaulted brother of the informant due to which he sustained injury. The accused persons fired at the informant when he came to save his brother.

It has been submitted on behalf of the petitioner No. 1 he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No. 1. The petitioner No. 1 has falsely been implicated in the present case. General and omnibus allegation has been levelled against petitioner No. 1. There is a case and counter case between the parties. A free fight is alleged to have taken place. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioner No. 1 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner No. 1, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned
Chief Judicial Magistrate, Nalanda at Biharsharif in connection
with Rajgir P.S. Case No. 25/2022, subject to the conditions as
laid down under Section 438(2) of the Code of Criminal
Procedure.

(Sudhir Singh, J)

Pankaj/-

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