

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37547 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- BIHIA District- Bhojpur

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BHUNESHWAR CHAUDHARY SON OF HANUMAN CHOUDHARY
RESIDENT OF VILLAGE- OSSAIN, P.O.- OSSAIN, P.S.- BIHIYAN,
DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 37686 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- BIHIA District- Bhojpur

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BHOLA PRASAD S/o Late Ghanshyam Prasad Resident of Village- Judge
Bazar Bihiyan, P.S.- Bihiyan, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 37547 of 2022)

For the Petitioner/s : Mr.Bishwa Bibhuti Kumar Singh, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 37686 of 2022)

For the Petitioner/s : Mr.Shiv Prasad Gupta, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 24-04-2023 CRIMINAL MISCELLANEOUS No.37547 OF 2022

Defect no.6(8) is ignored.

Heard learned counsel for the petitioner, namely,
Bhuneshwar Chaudhary and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Bihiyan (Bhojpur) P.S. Case No.17 of 2022 registered



under Sections 420, 379, 411, 201, 120(B) and 34 of the Indian Penal Code and Section 7 of the E.C. Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Similarly situated co-accused, namely, Bhola Prasad (petitioner in analogous case) has already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 01.12.2022 passed in Cr.Misc.No.37686 of 2022.

Having considered the fact that similarly situated co-accused has already been granted anticipatory bail by a coordinate Bench of this Court, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M., Ara, Bhojpur in connection with Bihiyan (Bhojpur) P.S. Case No.17 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Further, in the event, if the investigating officer of the case files an application before the learned trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting



himself when called the learned trial Court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also have liberty to cancel his bail bonds and to ensure that the petitioner is behind bars.

The learned trial Court is directed to send the copy of this Order to the concerned P.S.

(Arvind Srivastava, J)

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