

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39305 of 2022

Arising Out of PS. Case No.-118 Year-2021 Thana- ARER District- Madhubani

1. Jib Lal Chaudhary Son of Late Jagat Narayan Chaudhary Resident of village- Jamuari West, P.S.- Arer, District- Madhubani
2. Digamber Chaudhary Son of Late Niraj Chaudhary Resident of village- Jamuari West, P.S.- Arer, District- Madhubani
3. Rishi Kesh Chaudhary Son of Digamber Chaudhary Resident of village- Jamuari West, P.S.- Arer, District- Madhubani
4. Om Chaudhary Son of Vijay Chaudhary Resident of village- Jamuari West, P.S.- Arer, District- Madhubani
5. Roushan Chaudhary Son of Raman Chaudhary Resident of village- Jamuari West, P.S.- Arer, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-11-2022 Learned counsel for the petitioners is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 448, 380, 427, 354(B), 376, 511, 504, 506 of the Indian Penal Code .



As per prosecution case, in brief, it is alleged by the informant Hira Devi that on 29.11.2021 at about 06:00 in the evening all the F.I.R. named accused and 10-12 unknown entered into the house of informant and damaged the window class, CCTV camera and other household article. It is further alleged that accused Vijay Chaudhary and Raman Chaudhary put her down on the bed and made her naked and attempted to rape her. It is further alleged that they threatened to kill her husband. It is next alleged that Raman Chaudhary snatched gold chain weighing 02 bhar from the neck of the informant and Vijay Chaudhary took Rs. 40,000/- cash.

Learned counsel for the petitioners submits the petitioner no. 1 carries one more case other than the present one whereas the petitioner nos. 2, 3, 4 and 5 have clean antecedents. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. He further submits that there is specific allegation against co-accused persons namely Vijay Chaudhary and Raman Chaudhary for outrage her modesty of informant. He further submits that there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that co-accused namely Lal Dai Devi has been granted privilege of



anticipatory bail by the learned Court below itself.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Arer P.S. Case No. 118 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 bonds shall be cancelled by the Court below.

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



(3) 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 antecedents, 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)

Ibrar//-

U		T	
---	--	---	--

