

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39286 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- MANSURCHAK District- Begusarai

1. Birju Choudhary S/O Mugheshwar Choudhary
2. Rajnandani Devi W/O Birju Choudhary
Both are Resident of Village- Samsa, Ward No.14, P.S.- Masoor Chak,
District- Begusarai

.... Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-11-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341,323,354,307,379,504/34 of IPC.

Allegation against petitioner Birju Choudhary is that he assaulted the informant with Hasua on her neck but when she moved, she got injuries on her nose. Further allegation is that both the petitioners again assaulted her with iron rod and causing injuries to her. Petitioner Rajnandani Devi has snatched



three pieces of golden Jutiya of six gram. Later on the informant was taken away to hospital for treatment.

Learned counsel for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation against these petitioners. Further submits that the specific allegation against petitioner Birju Choudhary is that he assaulted the informant but the medical report suggests that the injuries are simple in nature.

Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the allegation as alleged in the FIR is supported with the injury report.

Considering the aforesaid facts, 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 (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 Mansoorchak P.S. Case



No.44 of 2022, 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 witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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)

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