

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50033 of 2021

Arising Out of PS. Case No.-104 Year-2018 Thana- NIMCHAKBATHANI District- Gaya

1. SARSWATI DEVI W/o Shailendra Chaudhary Resident of Village- Nateshar, P.S.- Nimchak Bathani, District- Gaya.
2. Rinku Devi W/o Harendra Chaudhary Resident of Village- Nateshar, P.S.- Nimchak Bathani, District- Gaya.
3. Rajiv Chaudhary S/o Shailendra Chaudhary Resident of Village- Nateshar, P.S.- Nimchak Bathani, District- Gaya.
4. Shailendra Chaudhary S/o late Swaroop Chaudhary Resident of Village- Nateshar, P.S.- Nimchak Bathani, District- Gaya.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vinod Kumar
For the Opposite Party/s : Mr.Md. Fahimuddin

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 02-08-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as the learned APP for the State.

At the outset, learned counsel for the petitioners has submitted that during the pendency of this petition, the petitioner No. 4 Shailendra Chaudhary died and, as such, the anticipatory bail petition in his respect has become infructuous. He, therefore, seeks permission to withdraw the anticipatory bail



petition in respect of petitioner No. 4.

In view of the aforesaid submission, the anticipatory bail petition in respect of petitioner No. 4 is dismissed as withdrawn as having become infructuous.

The petitioner Nos. 1, 2 and 3 apprehend their arrest in connection with Nimchak Bathani P.S. Case No. 104 of 2018, registered for the offences punishable under Sections 447, 325, 307, 379, 504, 34 of the Indian Penal Code.

As per allegation, when the informant was taking meals in his *darwaja*, petitioner No. 4 Shailendra Chaudary, Harendra Chaudhary and the petitioners came there and they abused the members of the informant party and Shailendra Chaudhary inflicted *lathi* blow on the head of the informant.

Learned counsel for the petitioners has submitted that during pendency of the bail petition the petitioner No. 4 Shailendra Chaudhary has died and proceeding has been dropped against him. So far as rest petitioners are concerned, the allegation against them are general and omnibus and they are the persons of clean antecedents.

Considering the above-mentioned facts and circumstances, let the petitioners, in the event of their arrest or surrender within four weeks before the learned court below, 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 A.C.J.M. X, Gaya in connection with Nimchak Bathani P.S. Case No. 104 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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