

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40897 of 2022

Arising Out of PS. Case No.-573 Year-2021 Thana- AMARPUR District- Banka

1. Manoj Choudhary
2. Lucho Choudhary
Both are Sons Of Chunalal Choudhary.
Both R/O Village- Gorgama, P.S.- Amarpur, District- Banka
3. Manish Kumar @ Manish Choudhary Son Of Manoj Choudhary R/O
Village- Gorgama, P.S.- Amarpur, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar @Deepak Sahay, Advocate
For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-11-2022 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 and learned Additional Public Prosecutor for the State in virtual Court proceeding.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341,323,307,504,34 of IPC and Section 25(1-B)A/26/35/27 of the Arms Act.

The prosecution case, in short, is that on 25.11.2021,



the informant was in his house with her husband, in the meantime, the petitioners came and started abusing the informant. It is further alleged that when the husband of the informant protested, the said accused persons assaulted him with fists and while the informant intervened in rescue, the said accused persons also made scuffled with her. It is further alleged that during course of assault, co-accused Arvind Yadav fired gun-shot from his pistol on the informant's husband, which passed touching through his chest.

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 specific allegation of firing is against co-accused namely Arvind Yadav. Further submits that there is no specific allegation of assault or any overt-act as alleged in the FIR is against the petitioner and only allegation against the petitioner is that he assaulted the husband of the informant by fists and slaps.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

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 Amarpur P.S.Case No.573 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 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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