

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42819 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- ANTI District- Gaya

Kedar Chaudhary, Son of Late Ramdeo Chaudhary, Resident of Village - Kalyanpur, P.S.- Anti, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 44242 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- ANTI District- Gaya

Aman Kumar Son of Surendra Chaudhari R/O Village- Kalyanpur, P.S.- Anti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 47471 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- ANTI District- Gaya

- 1. Uma Chaudhary, S/o Chamari Chaudhary Resident of Village - Kalyanpur, P.S.- Anti, District - Gaya.
- 2. Daya Nand Chaudhary, S/o Chamari Chaudhary Resident of Village - Kalyanpur, P.S.- Anti, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 42819 of 2022)
For the Petitioner/s : Mr.Vinod Kumar, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, A.P.P.
(In CRIMINAL MISCELLANEOUS No. 44242 of 2022)
For the Petitioner/s : Mr.Vinod Kumar, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, A.P.P.
(In CRIMINAL MISCELLANEOUS No. 47471 of 2022)
For the Petitioner/s : Mr.Vinod Kumar, Advocate
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-12-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual court proceeding.

Let the defect (s), if any, as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioners seek bail in connection with Anti P.S. Case No. 08 of 2022 registered for the alleged offences under Sections 147, 148, 149, 342, 325, 307, 448 and 379 of the Indian Penal Code.

As per prosecution case, petitioners and other co-accused persons, variously armed, came to the house of the informant and assaulted one Bhuneshwar Yadav causing injuries to him. They also took away goods worth Rs. 5,00,000/- from the house of the informant. The occurrence took place in the background of dispute over right of way.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. There is general, vague and omnibus allegation against all the accused persons. The present case is counter blast of Anti P.S Case No. 09 of 2022 registered for the alleged offences under Sections 307 and other Sections of the Indian Penal Code and Sections

3(i)(r)(s) of the SC/ST(PoA) Act. The present case has been lodged by the informant only to save their skin from Anti P.S Case No. 09 of 2022. Charge sheet has been submitted in this case and the petitioners are in custody since 30.05.2022, 23.02.2022, 30.04.2022, respectively. The petitioner Aman Kumar has got one criminal antecedent whereas, other two petitioners have fair antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners submitting that grievous injuries have been caused to the victim and petitioner Aman Kumar is having criminal antecedent.

Having regard to the submission made on behalf of the parties and considering the non specific nature of allegation against the petitioners and period of custody along with submission of charge sheet against them, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya in connection with Anti P.S. Case No. 08 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/daya

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