

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43748 of 2022

Arising Out of PS. Case No.-347 Year-2021 Thana- CHOUTARWA District- West
Champaran

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1. Shiv Kumar Chaudhary Son Of Late Mundrika Chaudhary Resident Of Village- Karajaniya, P.S- Chautarwa, Dist- West Champaran
 2. Timal Chaudhary Son Of Basudeo Chaudhary Resident Of Village- Karajaniya, P.S- Chautarwa, Dist- West Champaran
 3. Umesh Chaudhary Son Of Kedar Chaudhary Resident Of Village- Karajaniya, P.S- Chautarwa, Dist- West Champaran
 4. Ramesh Chaudhary Son Of Kedar Chaudhary Resident Of Village- Karajaniya, P.S- Chautarwa, Dist- West Champaran
 5. Jugesh Chaudhary Son Of Timal Chaudhary Resident Of Village- Karajaniya, P.S- Chautarwa, Dist- West Champaran
 6. Surti Devi Wife Of Shiv Kumar Chaudhary Resident Of Village- Karajaniya, P.S- Chautarwa, Dist- West Champaran
 7. Kalawati Devi Wife Of Timal Chaudhary Resident Of Village- Karajaniya, P.S- Chautarwa, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-11-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to
remove the defects within three weeks.

The petitioners are apprehending their arrest in a case
registered for the offence punishable under Sections 341, 323,
307, 379, 504, 506, 34 of the Indian Penal Code and Section 3/4
of the Prevention of Witch Practices Act.



Petitioners are said to have abused the informant's wife. On protest, all of them started assaulting the informant by means of lathi, danda and iron rod. They also entered into the house of the informant and took away clothes, ornaments and cash.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that there is case and counter case between the parties. He submits that there is no specific allegation against the petitioner nos. 3 to 7. Injury found upon the victim is simple in nature. He further submits that petitioner nos. 1 and 3 to 7 have no criminal antecedent whereas petitioner no. 2 has criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, let the above named petitioner nos. 3 to 7 in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is



pending/successor court in connection with Chautarwa P.S.
Case No. 347 of 2021, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

So far as with regard to petitioner nos. 1 and 2 is
concerned, there is specific allegation against them, I am not
inclined to enlarge the petitioner nos. 1 and 2 on bail.
Accordingly, their prayer for anticipatory bail is rejected.

The application is partly allowed.

(Anjani Kumar Sharan, J)

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