

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43576 of 2022

Arising Out of PS. Case No.-362 Year-2020 Thana- CHANDI District- Nalanda

1. Upendra Chauhan Son of Mahendra Chauhan Resident of village- Girdharchak Chandi, Sartha, P.S- Wena Pin- 803110, Dist- Nalanda
2. Mahendra Chauhan Son of Sri Devki Chauhan Resident of village- Girdharchak Chandi, Sartha, P.S- Wena Pin- 803110, Dist- Nalanda
3. Ranjeet Chauhan Son of Mahendra Chauhan Resident of village- Girdharchak Chandi, Sartha, P.S- Wena Pin- 803110, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivek Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-11-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioners are apprehending their arrest in a
case registered for the offences punishable under Sections 147,
149, 307, 341, 323, 354(B), 379, 504 and 506 read with Section
34 of the Indian Penal Code.

According to prosecution case, all the accused
persons variously armed with iron rod and khanti surrounded



the informant and accused Upendra Chauhan assaulted with the iron rod on head of the informant's daughter-in-law and snatched Rs. 5,000/- from the pocket of the informant's son.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that there is case and counter case between the parties. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons. He further submits that there is specific allegation of assault and overt act against the co-accused, namely, Upendra Chauhan but there is no medical injury report available on the record to suggest that the allegation against the petitioner No. 1, namely, Upendra Chauhan is correct. He further submits that the co-accused persons, namely, Atbariya Devi, Kari Devi and Giyatwa Devi have been granted anticipatory bail in A.B.P. No. 976 of 2021 by the court below itself.

The learned Additional Public Prosecutors have vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Chandi (Wena) P.S. Case No. 362 of 2020, 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 bond shall be cancelled by the Court below.

2. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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 antecedent, 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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