

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.47951 of 2022**

Arising Out of PS. Case No.-94 Year-2022 Thana- RIVILGANJ District- Saran

Dudhnath Chaudhary Son Of Ganesh Chaudhary R/O Village- Jan Tola
(NABIGANJ), P.S.- Revilganj, District- Saran At Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner undertakes to remove
all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Revilganj P.S. Case no. 94 of 2022 registered for the
offences punishable under Sections 341, 323, 324, 307, 504/34 of the
Indian Penal Code. He is in custody since 13.06.2022. The petitioner
has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the
prosecution story, on 15.03.2022 at 05:00 P.M., when the informant
was present in his shop situated at Rahimpur in the village Jan Tola,
in the meantime, the named accused along with petitioner came at his
shop and started abusing him due to previous enmity. It is further
alleged that one Ravindar Chaudhary assaulted the informant with



the butt of katta on his head due to which blood started oozing out. In the meantime, one Meghnath Chaudhary assaulted the informant with knife due to which informant received cut injury in his wrist. It is further alleged that thereafter when Harendra Chaudhary and Basmati Devi came to rescue then Amar Nath assaulted on the head of Harendra Chaudhary with butt of katta causing head injury. It is further alleged that all other accused persons have also assaulted all the three injured with iron rod and danda. It is lastly alleged that one Ravindra Chaudhary snatched golden Mangalsutra and Jiutiya of the wife of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the specific allegation of assault is against co-accused Ravindra Chaudhary and this petitioner is said to be a member of the mob. He submits that there is no overt act alleged against the petitioner. It is submitted that the petitioner is in custody in connection with this case since 13.06.2022 having no criminal antecedent.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the specific allegation of assault is against co-accused Ravindra Chaudhary, this petitioner is said to be a member of the mob, there is no overt act alleged against him and he has otherwise



no criminal antecedent, the petitioner is in custody since 13.06.2022, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Revilganj P.S. Case no. 94 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. 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.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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