

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48377 of 2022

Arising Out of PS. Case No.-306 Year-2021 Thana- ADAPUR District- East Champaran

1. SRI KANT P.D. CHAURASIYA @ SRIKANT PRASAD CHAURASIYA
Son of Laxman Prasad Chaurasiya
 2. Rajiv Kumar Son of Anil Prasad Chaurasiya
 3. Sanjiv Kumar Son of Anil Prasad Chaurasiya
 4. Om Prakash Kumar @ Om Prakash Pd. Chaurasiya Son of Surendra Prasad
Chaurasiya
 5. Ashwani Kumar @ Asmani Pd. Chaurasiya Son of Subhash Prasad
Chaurasiya
 6. Surendra Prasad @ Surendra Prasad Chaurasiya Son of Late Ganesh Prasad
Chaurasiya
 7. Bhulan Prasad Chaurasiya @ Bhulan Pd Chaurasiya Son of Laxman Prasad
Chaurasiya
- All are R/V- Manguraha P.S- Ada Pur Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-11-2022 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.

Learned counsel for the petitioners seeks permission

to withdraw this application with respect to petitioner Nos.3 and

6.

Permission is accorded.

Accordingly, the bail petition with respect to

petitioner Nos.3 and 6 is dismissed as withdrawn.



Heard learned counsel for petitioner Nos.1, 2, 4, 5 and 7 and learned Additional Public Prosecutor for the State.

Petitioner Nos. 1, 2, 4, 5 and 7 are apprehending their arrest in a case registered for the offences punishable under Sections 341,323,324,307 and 34 of IPC and Section 67 of the I.T.Act.

The prosecution case, in short, is that the specific allegation against co-accused Anil Prasasd Chaurasia is that he took photograph of the informant's daughter and shared a video viral. Further allegation of assault and overt-act against petitioner Sanjiv Kumar is that he gave Farsa blow on the head of informant causing cut injury and bleeding and petitioner Surendra Prasad gave Farsa blow on the head of cousin of informant, namely, Arun Prasad Chaurasiya and after sustaining injury both the injured fell down on the ground and thereafter all the accused persons assaulted them with lathi and axe. Thereafter informant and injured were taken to P.H.C. Adapur for their treatment.

Learned counsel for the petitioners submits that petitioners have clean antecedent. They have falsely been implicated in the present case. Further submits that it appears from the FIR that there is specific allegation of assault and



overt-act is against co-accused persons, namely, Sanjiv Kumar and Surendra Prasad @ Surendra Prasad Chaurasiya. Further submits that there is general and omnibus allegation against these petitioners and petitioners have no concern at all with the alleged occurrence and there is case and counter case between the parties.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of petitioner Nos. 1, 2, 4, 5 and 7.

Considering the fact and circumstances of the case, let petitioner Nos.1, 2, 4, 5 and 7, 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 Adapur P.S. Case No. 306 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)

Nitesh/-

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