

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61487 of 2021

Arising Out of PS. Case No.-259 Year-2021 Thana- DAUDNAGAR District- Aurangabad

1. FULWANTI DEVI Wife of Ram Auatar Chaudhary, R/o - Vill - Baluganj, Ward No. -02, P.S. - Daudnagar, District - Aurangabad.
2. Kamal Kishore @ Kamal Kishore Chaudhary @ Chhotu S/o Sikandar Chaudhary, R/o - Vill - Baluganj, Ward No. -02, P.S. - Daudnagar, District - Aurangabad.
3. Sandeep Chaudhary @ Sandeep Kumar S/o Jitendra Chaudhary, R/o - Vill - Baluganj, Ward No. -02, P.S. - Daudnagar, District - Aurangabad.
4. Sudama Chaudhary @ Ratan Kumar S/o Kishori Chaudhary, R/o - Vill - Baluganj, Ward No. -02, P.S. - Daudnagar, District - Aurangabad.
5. Som Chaudhary @ Som Kumar S/o Nanda Chaudhary, R/o - Vill - Baluganj, Ward No. -02, P.S. - Daudnagar, District - Aurangabad.
6. Krishna Chaudhary S/o Late Ramchandra Chaudhary, R/o - Vill - Baluganj, Ward No. -02, P.S. - Daudnagar, District - Aurangabad.
7. Shivkumar Chaudhary @ Shiv Kumar S/o Suresh Chaudhary, R/o - Vill - Baluganj, Ward No. -02, P.S. - Daudnagar, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kr. Pandey
For the Opposite Party/s : Mr.Madhura Nand Jha

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 13-07-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the Additional Public Prosecutor for the State.

At the outset, the learned counsel for the petitioners



has submitted that during the pendency of this anticipatory bail petition, petitioner no. 4 has been arrested and, as such, it has become infructuous with respect to him. He, therefore, seeks permission to withdraw this petition with respect to him.

In view of the aforesaid submission, **this petition is dismissed as withdrawn with respect to petitioner no. 4.**

So far as rest petitioners, except petitioner no. 4, are concerned, they apprehend their arrest in connection with Daudnagar P.S. Case No. 259 of 2021 registered for offence punishable under sections 376, 420, 341, 323, 354, 354(A), 504 and 506/34 of the Indian Penal Code.

As per allegation, co-accused Utakal Kumar had physical relation with the informant on the pretext of marriage. The allegation against the petitioners, who are family members and co-villagers of Utakal Kumar, is that they forcibly ousted the informant from the house of Ram Auatar Chaudhary, who is the father of Utakal Kumar. The allegation is also of inflicting abusive language and threatening to kill the informant.

The learned counsel for the petitioners has submitted that the petitioners are innocent. The allegation of having physical relation is on the co-accused Utakal Kumar. The petitioners have falsely been implicated in this case since they



are relatives and co-villagers of main accused Utakal Kumar. The petitioners, except petitioner no. 4 whose anticipatory bail petition has been withdrawn, are the persons of clean antecedents.

Considering the above-mentioned facts and circumstances, **let the petitioners above-named, except petitioner no. 4**, in the event of their arrest or surrender, within four weeks from today, **be released on bail** on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Daudnagar in connection with Daudnagar P.S. Case No. 259 of 2021, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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