

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8415 of 2023

Arising Out of PS. Case No.-238 Year-2022 Thana- DEO District- Aurangabad

1. Shushila Devi Wife of Umesh Chaudhary Resident of Village- Ketaki, P.S.- Deo, District- Aurangabad
2. Umesh Chaudhary Son of Prasad Choudhari Resident of Village- Ketaki, P.S.- Deo, District- Aurangabad

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Deo P.S. Case No. 238 of 2022 registered for the offences punishable under Sections 341, 323, 424, 307, 325, 504, 506, 34 of the Indian Penal Code. They have got no criminal antecedent.

As per the prosecution story, on 28.08.2022 at 06:00 P.M. the petitioners along with other accused persons variously armed with lathi, rod and tangi came at the house of the informant. Vinay Baitha assaulted son of the informant on his head by means of rod as a result of which he became unconscious, in the meantime, when her daughter-in-law came to rescue, the accused persons assaulted her with lathi and tangi.



It is also alleged that the accused persons also assaulted elder son of the informant on his left hand as a result his hand got fractured.

Learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is case and counter case between the parties and there is no specific allegation against these petitioners.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, the petitioners are gotiyas of the informant, there is a case and counter case between the parties, the specific allegation of causing assault on Prahlad Chaudhary is against Vinay Baitha who is not before this Court, there are general and omnibus kind of allegations against these two petitioners that they along with other named accused had assaulted the daughter-in-law and elder son of the informant, in the nature of the allegations which are general and omnibus and the counter case present, this Court directs release of the petitioners above named on bail in the event of their arrest or surrender within a period of four weeks from today in connection with Deo P.S. Case No. 238 of 2022



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 learned C.J.M., Aurangabad, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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