

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18330 of 2023

Arising Out of PS. Case No.-333 Year-2022 Thana- BIHPUR District- Bhagalpur

1. Satyam Kumar S/O Shivo Choudhary Resident Of Village- Nankar, P.S.- Bihpur, District- Bhagalpur.
2. Shivo Choudhary S/O Late Ambika Choudhary Resident Of Village- Nankar, P.S.- Bihpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Adv.

For the Opposite Party/s : Mr. Sangeeta Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-06-2023 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 Bihpur P.S. Case No. 333 of 2022 registered for the offences punishable under Sections 341, 323, 447, 354, 324, 504 of Indian Penal Code. They have two criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged in her written report that on 17.06.2022 at about 06:00 AM petitioners entered into her house and tried to outrage her modesty and when she raised alarm petitioners assaulted her with fists and slaps. It is further alleged that when her husband



went to petitioners to ask about the matter they assaulted him with Lathi and Danda, due to which he received several injury and his hands got fractured.

Learned counsel for the petitioners submits that both the petitioners are innocent and has committed no offence. They have been falsely implicated in this case due to land dispute. It is further submitted that the occurrence is of 17.06.2022 and the FIR has been lodged on 21.06.2022 and no plausible explanation has been given for the delay in lodging the FIR.

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

Having regard to the facts and circumstances of the case, wherein it is submitted that the petitioner no.2 and the informant's husband are full brother and agnates and both the families are living in a joint house and there is also a land dispute in Title Suit No. 59 of 2011, the allegation against the petitioners are that they had assaulted the husband of the informant, however, information with regard to the alleged occurrence which took place on 17.06.2022, information was given to the police station only after four days, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged



on bail on furnishing of bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Naugachia, Bhagalpur in connection with Bihpur P.S. Case No. 333 of 2022, subject to the condition 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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that in case petitioners again indulged in similar act of causing assault on the informant or her husband, it will be open for the informant to file an application in this Court seeking cancellation of bail of the petitioners.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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