

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24717 of 2023

Arising Out of PS. Case No.-46 Year-2022 Thana- GOBARDHANA District- West
Champaran

-
1. Mathura Choudhary @ Mathur Chaudhary Son Of Akalu Choudhary @ Akal Chaudhary Resident Of Village - Bagahi Sakhuani, P.S.- Gobardhana, District - West Champaran (Bihar).
 2. Mukesh Chaudhari Son Of Hari Choudhary Resident Of Village - Bagahi Sakhuani, P.S.- Gobardhana, District - West Champaran (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sharma

For the Opposite Party/s : Mr. Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-07-2023 Vide order dated 19.05.2023 this application with regard
to petitioner no. 1 is dismissed as withdrawn.

Now, this application is being heard only with regard to
petitioner no.2.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
307, 448, 379, 504, 506/34 of the Indian Penal Code.

As per the prosecution case, the petitioner along with
other accused persons is said to have assaulted the informant.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this case.
The allegation levelled against the petitioner is not specific rather
general and omnibus in nature. There is no specific overt act



against the petitioner. He submits that the occurrence took place on 03.10.2022 and the FIR was lodged on 11.10.2022, there is delay of eight days and there is no explanation regarding the delay, which creates serious doubts on the prosecution case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes prayer for anticipatory bail.

Considering the facts and circumstances of the case and the fact that there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Gobardhana P.S. Case No. 46 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

U		T	
---	--	---	--

