

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46855 of 2023

Arising Out of PS. Case No.-232 Year-2021 Thana- KUDHNI District- Muzaffarpur

Om Prakash Chaudhary @ Om Babu Chaudhary S/O Ram Swarth Chaudhary
@ Ram Sogarath Chaudhary R/O Village- Tarshan, P.S- Kudhani, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-08-2023 Heard the learned counsel for the petitioner and the
State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Kudhani P.S. Case no. 232 of 2021, registered for the offences punishable under Sections 147, 148, 149, 342, 376, 511, 323, 324, 307, 448, 504 and 506 of the Indian Penal Code.

3. As per the FIR, the allegation is that all the accused persons including the petitioner made attempt to outrage the modesty of the informant and when the husband of the informant came to rescue her, he was also assaulted.

4. The learned counsel for the petitioner submits that the petitioner is innocent and the petitioner has falsely been



implicated in this case. He further submits that in fact the present case is counter blast to the FIR bearing kudhani (Turki O.P.) P.S. Case No. 232 of 2021 filed by co-accused Madan Chaudhary against the husband of the informant just three days prior to the present case. It is further submitted that even the allegation made in the FIR clearly shows that concocted and ornamental allegation has been made in order to harass the petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

6. It has further been stated in paragraph no.3 that the petitioner is also involved in one other case apart from the present one.

7. However, the learned APP for the State has opposed the prayer for bail.

8. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of the concerned Court, in connection with Kudhani P.S. Case no. 232 of 2021, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has concealed his criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

9. The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

Amrendra/-

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