

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55439 of 2022

Arising Out of PS. Case No.-131 Year-2021 Thana- NIMCHAKBATHANI District- Gaya

RAHUL CHAUDHARY Son of Permanand Chaudhary @ Paro Chaudhary @
Purwa Chaudhari R/V- Khesari, P.S- Nimchak Bathani, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Naresh Ray,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Neemchak Bathani P.S. Case No. 131 of 2021 for the offence registered under Sections 147, 447, 323, 308 and 504 of the Indian Penal Code.

As per the FIR, the informant alleged that the accused persons came to their place and assaulted number of other family inmates which included the informant, his wife Savita Devi, Madan Chaudhary as also Manoj Chaudhry causing injuries to them. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that omnibus allegation has been made against the petitioner. There was a scuffle between the parties who are agnates and they also tried to lodge FIR and failing to do so, a complaint was lodged



(as stated in paragraph 9 of the petition).

Further, submission is that the injuries have been annexed as Annexure 2 series which would show that all have been opined to be simple in nature. The last submission is that being an agnate to the informant, he is ready to abide by all the terms and conditions and irrespective of the outcome of the present case, he would like to give medical assistance of Rs. 5,000/- each to all the four injured persons totalling Rs. 20,000/- through Demand Draft issued by local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

Learned APP for the State, on the other hand, opposes the prayer stating that the petitioner and other accused persons have given injuries to number of family members and as such, they did not deserve bail.

Taking into account the fact that the petitioner is a young boy, omnibus allegation is there, the injuries have been found to be simple in nature, he will be cooperating in the investigation and will ultimately face the trial, this Court is inclined to grant him anticipatory bail subject to payment of Rs. 20,000/- as stated above.



Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. X, Gaya in connection with Nimchak Bathani P.S. Case No. 131 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions :-

(i) the petitioner shall be visiting the concerned police station for next six months every fortnight to mark his attendance;

(ii) the petitioner shall co-operate in the investigation and made himself available to the police as and when required;

(iv) if the petitioner fail to adhere the undertaking given herein above, appropriate steps may be taken by concerned party for his cancellation of bail.

(Rajiv Roy, J)

Jagdish/Neha/-

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