

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60738 of 2023

Arising Out of PS. Case No.-39 Year-2022 Thana- JHANJHARPUR District- Madhubani

Sagar Kumar Choudhary @ Lalit Choudhary Son Of Tripti Choudhary
Resident Of Village -Nawani (Ward No 8), PS- Jhanjharpur (ASOP), District
-Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shankar Kumar Choudhary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Jhanjharpur (ASOP) P.S. Case No. 39 of 2022 (G.R. No. 269 of 2022) registered for the offences punishable under Sections 341, 323, 325, 354(B), 379, 504, 506 and 34 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, on 01.12.2021 informant's two sons were surrounded by accused persons, including the petitioner, and were badly assaulted and when the informant along with her mother-in-law went there to save them, they were also assaulted and disrobed. On alarm being



raised, nearby people gathered and the accused persons fled away snatching gold chain from informant's neck.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is an inordinate delay in lodging FIR as the date of occurrence is 01.12.2021 and the FIR has been registered on 15.02.2022. The allegation against the petitioner is general and omnibus in nature and there is a land dispute between the parties who are closed door neighbours.

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

6. Having regard to the facts and circumstances of the case wherein it is submitted that the alleged occurrence is said to have taken place on 01.12.2021 whereas the First Information Report has been lodged on 15.02.2022, the allegation against this petitioner is general and omnibus and both the parties are close door neighbours who are having land dispute, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Jhanjharpur (ASOP) P.S. Case No. 39 of 2022 (G.R. No. 269 of 2022) on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of



the like amount each to the satisfaction of learned Additional
Chie Judicial Magistrate-I, Jhanjharpur subject to the conditions
as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall
verify the criminal antecedent of the petitioner and in case at
any stage it is found that the petitioner has concealed his
criminal antecedent, the court below shall take step for
cancellation of bail bond of the petitioner. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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