

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74137 of 2022

Arising Out of PS. Case No.-340 Year-2022 Thana- SULTANGANJ District- Bhagalpur

1. Banty Choudhary @ Amit Kumar Son Of Arvind Choudhary R/O Village- Adarsh Nagar, Ward No.15, P.S.- Sultanganj, District- Bhagalpur
2. Manjit Choudhary @ Bittu Son Of Arvind Choudhary R/O Village- Adarsh Nagar, Ward No.15, P.S.- Sultanganj, District- Bhagalpur
3. Arvind Choudhary Son Of Late Baleshwar Choudhary R/O Village- Adarsh Nagar, Ward No.15, P.S.- Sultanganj, District- Bhagalpur
4. Meera Devi Wife Of Arvind Choudhary R/O Village- Adarsh Nagar, Ward No.15, P.S.- Sultanganj, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2023 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 Sultanganj P.S. Case No.340 of 2022 registered for the offences punishable under Sections 341, 323, 325, 307, 354, 379, 504 and 506/34 of the Indian Penal Code. They have no criminal antecedent.

As per the prosecution story, on 14.09.2022 at about 10.30 am the informant was going to catch the train but in the way accused Banty Chaudhary (the petitioner) and Manjeet Chouhdary @ Bittu abused her and misbehaved with her. The informant raised



alarm on which informant's brothers came to rescue her then the accused persons assaulted them with lathi-danda. It is alleged that accused Banty Choudhary (the petitioner) and Arvind Choudhary caught the informant's brother Raunak Kumar Verma, thereafter accused Manjeet Choudhary attacked on him with knife causing head injury and he fell down. Thereafter, the accused persons also assaulted the informant's brother Vijay Verma and her mother Nutan Verma. It is also alleged that the accused persons took away golden chain from the neck of the informant and mobile phone of her brother Raunak Kumar Verma.

Learned counsel for the petitioners submits that there is no specific allegation of commission of overt act against the petitioner no.1, 3 and 4 and the allegation against the petitioner no.2 is that he had given a dagger blow but the injury sustained has been found to be simple in nature caused by hard and blunt substance.

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

Having regard to the facts and circumstances of the case, considering that there is no specific allegation of commission of overt act against the petitioner no.1, 3 and 4 and the allegation against the petitioner no.2 is that he had given a dagger blow and the injury sustained has been found to be simple in nature caused



by hard and blunt substance, this Court directs release of the petitioners above named on bail in the event of their arrest or surrender within a period of four weeks from today in connection with Sultanganj P.S. Case No.340 of 2022 on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Bhagalpur, subject to the conditions 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 bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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