

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.867 of 2023

Arising Out of PS. Case No.-42 Year-2020 Thana- MADANPUR District- Aurangabad

1. Umesh Chauhan Son Of Jainandan Chauhan Resident Of Village- Padarwan Tole Mahesh Bigha, P.S.- Madanpur, District- Aurangabad
2. Mukesh Chauhan @ Rupesh Kumar Chauhan Son Of Shiv Nandan Chauhan Resident Of Village- Padarwan Tole Mahesh Bigha, P.S.- Madanpur, District- Aurangabad
3. Manoj Chauhan Son Of Keshwar Chauhan Resident Of Village- Padarwan Tole Mahesh Bigha, P.S.- Madanpur, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioners and learned

A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 307, 384, 427, 323, 354, 341, 379, 504, 147, 148, 149 and 34 of the Indian Penal Code.

As per the prosecution case, the petitioners along with other accused persons assaulted the informant with *lathi* and by fists and slaps and outraged her modesty. When the family members of the informant came for rescue, the accused persons also assaulted them and caused injury.

Learned counsel for the petitioners submits that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the



petitioners is not specific rather general and omnibus in nature. He submits that the petitioners given benefit of Section 41(1) of the Cr.P.C.. He further submits that after completion of investigation the Investigation Officer has submitted charge-sheet against the petitioner under Sections 341, 323, 354, 504, 506 and 34 of the IPC and all other Sections are bailable in nature except Section 354 of the IPC. He submits that the injury was found simple in nature. The petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Madanpur P.S. Case No.42 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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