

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74245 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- BIRAUL District- Darbhanga

1. AVINASH CHOUDHARY @ HAIRAN CHOUDHARY S/O LATE HARE KANT CHOUDHARY R/v- Pokhram, P.S.- Biraul, District- Darbhanga
2. LAV CHOUDHARY @ LAV KUMAR CHOUDHARY S/o Avinash Choudhary @ Hairan Choudhary R/v- Pokhram, P.S.- Biraul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 324, 379, 504 and 34 of the Indian Penal Code pending in the learned court below.

Allegation against the petitioners is that they assaulted the informant and his family member due to which they received injuries.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that after investigation police has filed



final form against the petitioners but the learned Court below differed the fact and taken cognizance against the petitioners. He submits that the occurrence took place on 11.07.2021 and FIR lodged on 17.07.2021. He submits that there is delay of six days in filing of the present FIR which creates serious doubt about the prosecution case. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioners, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Biraul P.S. Case No.177/2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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