

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.892 of 2023

Arising Out of PS. Case No.-277 Year-2022 Thana- KHIJARSARAI District- Gaya

1. Chunnu Chaudhary S/O Mahesh Chaudhary R/V- Hemara, P.S.- Khizarsarai, Sarbahada (O.P.), District- Gaya
2. Fonu Chaudhary @ Fonu Kumar S/O Mahesh Chaudhary R/V- Hemara, P.S.- Khizarsarai, Sarbahada (O.P.), District- Gaya
3. Sonu Chaudhary S/O Mahesh Chaudhary R/V- Hemara, P.S.- Khizarsarai, Sarbahada (O.P.), District- Gaya
4. Savitri Devi W/O Chunnu Chaudhary R/V- Hemara, P.S.- Khizarsarai, Sarbahada (O.P.), District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manisha Prakash

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-03-2023 Heard learned counsel for the petitioners and
learned APP for the State.

Learned counsel for the petitioners seeks
permission to withdraw this application with regard to petitioner
no.2 submitting that during pendency of this application the
petitioner no.2 has already been apprehended by the police.

Permission is granted.

Accordingly, this application with regard to
petitioner no.2 is dismissed as withdrawn.

Now this application is being heard with regard to



petitioners no. 1, 3 and 4.

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 147, 341, 323, 379, 307 and 302 of the Indian Penal Code.

As per prosecution case, the co-accused persons were stealing wood from the shop of the informant. On protest, the petitioner along with other co-accused persons started brutally assaulting the mother of the informant and due to assault the mother of informant died.

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 in the postmortem report, it is clear that the deceased has not been assaulted by the accused persons as the deceased has no external injury, the postmortem report does not support the allegation levelled against these petitioner. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes prayer for



anticipatory bail.

Considering the facts and circumstances of the case and the fact that there is no specific allegation against the petitioners, let the above named petitioners no. 1, 3 and 4, 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 Khizersarai (Sarbahada O.P.) P.S. Case No.277 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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