

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5359 of 2023

Arising Out of PS. Case No.-33 Year-2022 Thana- VIDYAPATINAGAR District- Samastipur

Vijay Chaudhari @ Vijay Chaudhary Son of - Late Anandu Chaudhari @ Late
Ananda Chaudhary Resident of - Sherpur, P.S.- Vidyapati Nagar, District –
Samastipur. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Vidyapati Nagar P.S. Case No. 33 of
2022 registered for the offences punishable under Sections 447,
341, 323, 324, 307, 379, 504, 506, 325 and 34 of the Indian
Penal Code. He has got no criminal antecedent.

As per the prosecution story, on 11.03.2022 at 07:30
P.M., Ajay Chaudhari along with eight others including this
petitioner armed with weapons started abusing the informant
and on protest, Ajay Chaudhari gave khanti blow on the
forehead of the informant and Shambhu Chaudhari gave lathi
blow on his leg. When the other family members of the
informant came to rescue, Sanjay Chaudhari gave iron rod blow
on the head of Gita Chaudhari and this petitioner assaulted Udai



Chaudhari on his head by rod and Sanjay Chaudhari assaulted him with rod on his leg as a result of which his leg got fractured. It is further alleged that the accused person snatched away Rs.50,000/- from Udai Chaudhari.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the parties are co-villagers and there is no specific allegation against the petitioner of causing any overt act. It is also submitted that similarly situated co-accused Ajay Chaudhari has already been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 48425 of 2022.

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

Having regard to the facts and circumstances of the case wherein the parties are co-villagers, there is a case and counter case between the parties, there is no specific allegation against the petitioner of causing any overt act and the co-accused Ajay Chaudhari has been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 48425 of 2022, this Court directs release of the petitioner above named on bail in the event of his arrest or



surrender within a period of four weeks from today in connection with Vidyapati Nagar P.S. Case No. 33 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 Chief Judicial Magistrate-III, Dalsinghsarai, Samastipur, 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 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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