

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12169 of 2024

Arising Out of PS. Case No.-320 Year-2023 Thana- ROSERA District- Samastipur

1. Kanhaiya Chaudhary @ Kanhaiya Kumar
 2. Bajrangi Chaudhary @ Bajrangi Kumar
- Both are Son Of Harendra Chadhary Resident Of Village- Kariyan, Ps-
Rosera, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Kumar, Advocate

For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr.Madhav Kumar, learned counsel for
petitioners and Mr.Rajendra Singh, learned Additional Public
Prosecutor for the State.

2. Petitioners are apprehending their arrest in
connection with Rosera P.S.Case No. 320 of 2023, FIR dated
17.05.2023, registered for the offences punishable under
Sections 341,323,342,307/34 of IPC.

3. Allegation against the petitioners is that they
alongwith other co-accused persons started abusing him when
he objected then co-accused Harendra Chaudhary started
pressing his neck and petitioner Kanhaiya Chaudhary assaulted
him with Lathi on his hand, causing injury. It has also alleged
that petitioner Bajarangi Chaudhary alongwith co accused
persons and 4-5 unknown persons surrounded him in the way



and assaulted him with fists and slaps and during course of it petitioner Kanhaiya Chaudhary assaulted him by means of knife, causing injury.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR and after lodging the present FIR, both the parties have filed a compromise petition before the learned court below and the informant has informed the court that he does not want to pursue the matter.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of petitioners.

6. Considering the fact and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Rosera, Samastipur in connection with Rosera P.S. Case No. 320 of



2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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