

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14498 of 2024

Arising Out of PS. Case No.-445 Year-2023 Thana- DHANARUA District- Patna

Vikash Chaudhary @ Vikash Kumar Son of Sri Jagdish Chaudhary, Resident
of Village- Akauna, P.S.- Dhanarua, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr. Vijay Kumar Sinha, the learned counsel
for the petitioner and Mr. Ajit Kumar, the learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Dhanarua PS Case No. 445 of 2023, FIR dated
26.07.2023, registered for the offences punishable under Sections
341, 323, 325 and 307 read with Section 34 of the Indian Penal
Code and under Section 27 of the Arms Act.

3. According to prosecution case, the cousin *gotiya* of
the informant along with his sons and five unknown persons came
at her house opened fire. It is further alleged that the accused
persons also assaulted the informant and her family members and
snatched her jewelry.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case due to



admitted land dispute between the parties. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather there is general and omnibus allegation against all the accused persons including the petitioner and the co-accused persons namely, Sujeet Chaudhary and Urmila Devi have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 22.02.2024 passed in Cr. Misc. No. 10439 of 2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that it appears from the FIR that the petitioner is named in the FIR and apart from that, the petitioner is accused in one more case under the Excise Act, but fairly submits that he is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and the fact that there is no specific allegation of any assault or overt act attributed against the petitioner and similarly situated co-accused persons have been granted bail, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Masaurih, where the case is pending in connection with



Dhanarua PS Case No. 445 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers 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 learned trial 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 learned trial Court 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.

(Rajesh Kumar Verma, J)

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