

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18492 of 2024

Arising Out of PS. Case No.-81 Year-2022 Thana- DAWATH District- Rohtas

1. Ravindra Chaudhary @ Supan Chaudhary Son Of Late Avinash Chaudhary Resident Of Village - Khairahi, P.S. - Dawath, District - Rohtas (BIHAR)
2. Arvind Chaudhary Son Of Late Avinash Chaudhary Resident Of Village - Khairahi, P.S. - Dawath, District - Rohtas (BIHAR)
3. Mantu Chaudhary @ Ajit Kumar Son Of Late Avinash Chaudhary Resident Of Village - Khairahi, P.S. - Dawath, District - Rohtas (BIHAR)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Chaubey, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr. Rajesh Kumar Chaubey, learned counsel for the petitioners as well as Ms. Rita Verma, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Dawath P.S. Case No. 81 of 2022, F.I.R. dated 19.04.2022 for the offences punishable under Sections 341, 323, 363, 379, 354, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, all these petitioners have assaulted the informant and his daughter with an intention to kill them and also snatched gold chain and ring from the informant and fled away.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been



implicated in the present case due to admitted land dispute between the parties. He further submits that it appears from the F.I.R that the date of occurrence as alleged in the F.I.R is 26.03.2022 but the present F.I.R was instituted on 19.04.2022 i.e. after delay of about 26 days without giving any explanation of the said delay, afterthought only to falsely implicate the petitioners in the present occurrence. He further submits that although the petitioners have assaulted the informant and other persons but no injury report is available on record to suggest that any person has received injury.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and no injury report is available on record to suggest that the informant or any other person has received injury, let the petitioners, above named, in the event of 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 the learned Additional Chief Judicial Magistrate 1st Class, Bikramganj, District- Rohtas in connection with



Dawath P.S. Case No. 81 of 2022, 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 bond shall be cancelled by the Court below.
- ii. If the petitioners 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 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 antecedent, 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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