

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25104 of 2024

Arising Out of PS. Case No.-246 Year-2023 Thana- HASPURA District- Aurangabad

1. Rocky Chaudhary S/o Tapeswar Chaudhary, R/o vill - Koilwa, P.S. - Haspura, Distt. - Aurangabad.
2. Dinesh Kumar S/o Tapeswar Chaudhary, R/o vill - Koilwa, P.S. - Haspura, Distt. - Aurangabad.
3. Upendra Rajwanshi S/o Late Baban Rajwanshi, R/o vill - Koilwa, P.S. - Haspura, Distt. - Aurangabad.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner	:	Mr. Prashant Kumar, Advocate Mr. Pramod Yadav, Advocate
For the Informant	:	Mr. Akhilesh Kr. Pandey, Advocate
For the State	:	Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Mr. Prashant Kumar, the learned counsel for the petitioners, Mr. Akhilesh Kr. Pandey, the learned counsel for the informant and Mr. Md. Matloob Rab, the learned Additional Public Prosecutor for the State.

2. At the outset learned counsel for the petitioner seeks permission to make a correction in the paragraph no. 1 of the bail petition in the course of the day.

3. Permission, as prayed for, is accorded.

4. The petitioners are apprehending their arrest in connection with Haspura PS Case No. 246 of 2023, FIR dated 30.08.2023, registered for the offences punishable under



Sections 341, 323, 324, 307, 337, 338, 504 and 506 read with Section 34 of the Indian Penal Code.

5. According to prosecution case, the petitioner along with other accused persons assaulted the informant and other persons due to which they sustained injuries.

6. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the present case is the counter blast of Haspura PS Case No. 245 of 2023 filed on behalf of the petitioner's side and upon perusal of the FIR it appears that there is specific allegation against petitioner no. 1 that he has assaulted to the head of informant by means of iron-rod and although, informant has received injury, but the opinion regarding injury is reserved and there is no specific allegation of any assault or overt act rather, there is general and omnibus allegations against petitioner nos. 2 and 3 and in the present occurrence both sides have received injury and the petitioner and informant are agnates.

7. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

8. Considering the aforesaid facts and circumstances



and the fact that the petitioners have clean antecedent, there is case and counter case and petitioners and informant are agnates to each other, let the petitioners, above-named, in the event of their arrest or surrender before the 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) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-I, Daudnagar, Aurangabad, where the case is pending in connection with **Haspura PS Case No. 246 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

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

(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 trial Court 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 trial Court 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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