

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29876 of 2024

Arising Out of PS. Case No.-84 Year-2022 Thana- MAHUA District- Vaishali

1. NARENDRA PRASAD CHOUDHARY @ NARENDRA PRASAD CHAUDHARY @ NARENDRA PD. CHAUDHARY SON OF LATE BHUNESHWAR CHAUDHARY RESIDENT OF VILLAGE - CHAKMAJAHID, P.S. - MAHUA, DISTRICT - VAISHALI
2. MANOJ KUMAR CHOUDHARY @ MANOJ KUMAR CHAUDHARY SON OF NARENDRA PRASAD CHOUDHARY @ NARENDRA PRASAD CHAUDHARY RESIDENT OF VILLAGE - CHAKMAJAHID, P.S. - MAHUA, DISTRICT - VAISHALI
3. SUNIL CHOUDHARY @ SUNIL KUMAR CHAUDHARY SON OF NARENDRA PRASAD CHOUDHARY @ NARENDRA PRASAD CHAUDHARY RESIDENT OF VILLAGE - CHAKMAJAHID, P.S. - MAHUA, DISTRICT - VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-05-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Mahua P.S. Case No. 84 of 2022 for the offence under Sections 341, 323, 307, 379, 354B, 504, 506 and 34 of the I.P.C. lodged on 09.02.2022 by the informant, Naresh Chaudhary.

3. As per the prosecution story, the allegation is that the accused persons armed variously came and then Sudhir Chaudhary assaulted the informant causing injury on his head. The allegation against the petitioner no. 3 (Sunil Choudhary) is of outraging the modesty of his wife. The injured was taken to Mahua Hospital and then to Hajipur Sadar Hospital. Accordingly, the FIR.



4. Learned counsel for the petitioners submit that there is case and counter-case, in any case, the specific allegation of assault is on Sudhir Choudhary which caused injury to the informant. He further submits that only to exaggerate the FIR, the allegation of outraging the modesty has been alleged on Sunil Choudhary (petitioner no. 3) though he concede that the petitioners have criminal antecedent.

5. Learned APP opposes the prayer stating that all of them have allegation, though omnibus and further Sunil Choudhary tried to outrage the modesty of the lady.

6. Taking into account the submissions as also the specific allegation that has come against Sudhir Choudhary of assaulting the informant causing injury, the other accused persons omnibus allegation is there, though allegation of outraging the modesty is there on Sunil Choudhary, FIR lodged, all of them will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Vaishali at Hajipur in connection with Mahua P.S. Case No. 84 of 2022 subject to the conditions as



laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/ relatives of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners (except petitioner no. 1 Narendra Prasad Choudhary @ Narendra Prasad Chaudhary) shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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