

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34105 of 2024

Arising Out of PS. Case No.-5 Year-2023 Thana- BAIRIYA District- West Champaran

1. SANJAY CHAUDHARY @ SANJAY CHAUDHARI SON OF BHUTKUN CHAUDHARY @ BHUTKUN CHAUDHARI RESIDENT OF WARD NO. 18, BALUA RAMPURAWA, P.S. - BAIRIYA, DISTRICT - WEST CHAMPARAN
2. SHATRUDHAN CHAUDHARY @ SHATRUDHAN CHAUDHARI SON OF BHUTKUN CHAUDHARY @ BHUTKUN CHAUDHARI RESIDENT OF WARD NO. 18, BALUA RAMPURAWA, P.S. - BAIRIYA, DISTRICT - WEST CHAMPARAN
3. MEHI CHAUDHARY SON OF LATE RAGHUNATH CHAUDHARY RESIDENT OF WARD NO. 18, BALUA RAMPURAWA, P.S. - BAIRIYA, DISTRICT - WEST CHAMPARAN
4. CHULAI CHAUDHARY @ CHULAI CHAUDHARI SON OF DUKHI CHAUDHARY @ DUKHI CHAUDHARI RESIDENT OF WARD NO. 18, BALUA RAMPURAWA, P.S. - BAIRIYA, DISTRICT - WEST CHAMPARAN
5. BHUTKUN CHAUDHARTY @ BHUTKUN CHAUDHARY SON OF LATE RAGHUNATH CHAUDHARY RESIDENT OF WARD NO. 18, BALUA RAMPURAWA, P.S. - BAIRIYA, DISTRICT - WEST CHAMPARAN
6. DUKHI CHAUDHARY SON OF LATE RAGHUNATH CHAUDHARY RESIDENT OF WARD NO. 18, BALUA RAMPURAWA, P.S. - BAIRIYA, DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Bairiya P.S. Case No. 05 of 2023 for the offence under sections 341, 323, 379, 504 and 34 of the I.P.C.



lodged on 03.01.2023 by the informant, Motilal Chaudhary.

3. As per the prosecution story, the informant alleged that the informant, caretaker of a fishery society was present at the working place when Dinanath Chaudhary came, demanded ransom amount of Rs. 2 lakhs and thereafter, Bijli Chaudhary, Chandi Chaudhary and Vijay Chaudhary assaulted and tried to drown him in the river. Further, the other accused persons (the petitioners herein) looted a boat consisting fishes worth Rs. 60,000/-. He was taken to Primary Health Centre, Bairiya for treatment which followed the FIR.

4. Learned counsel for the petitioners submit that there has been inordinate delay in lodging of the FIR inasmuch as the occurrence is of 12.12.2022 while the FIR was lodged on 03.01.2023. Further, only to implicate them, the looting of the fishes have been incorporated.

5. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioners on its own would like to contribute towards the medical assistance of Rs. 2,000/- each through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over



to the informant, Motilal Chaudhary after checking the credentials.

6. Learned APP opposes the prayer stating that their names have come to have looted the fishes.

7. Taking into account the fact that there is inordinate delay in lodging of the FIR , the petitioners do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 2,000/- each to the informant, Motilal Chaudhary as undertaken by the learned counsel for the petitioners.

8. Let the petitioners, named above 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 Additional Chief Judicial Magistrate-III, Bettiah, West Champaran, in connection with Bairiya P.S. Case No. 05 of 2023 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/relative 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 shall appear before the concerned police station every fortnight for next six months to mark their 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 their bail bonds.

(Rajiv Roy, J)

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