

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45999 of 2024

Arising Out of PS. Case No.-350 Year-2023 Thana- JANDAHA District- Vaishali

1. Raj Kumar Chaudhary S/O Late Parmeshwar Chaudhary R/O Village- Salha, P.S- Jandaha, Distt.- Vaishali.
2. Vishwamohan Kumar S/O Raj Kumar Chaudhary R/O Village- Salha, P.S- Jandaha, Distt.- Vaishali.
3. Manmohan Kumar S/O Raj Kumar Chaudhary R/O Village- Salha, P.S- Jandaha, Distt.- Vaishali.
4. Ankit Kumar S/O Anil Chaudhary R/O Village- Salha, P.S- Jandaha, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmod Ban Bihari Singh, Adv.
For the Opposite Party/s : Mr. Umeshanand Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Jandaha P.S. Case No. 350 of 2023 dated 08.11.2023 instituted for the offence punishable under Sections 341, 323. 307, 354, 379, 504, 506, 34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 08.11.2023, the F.I.R. named accused persons along with 5-7 persons came with weapons and assaulted the informant's father and younger brother brutally. When the informant's wife and sister-in-law came to save them, they also assaulted them and make them naked. It is



further alleged that accused, Raj Kumar Chaudhary and his sons snatched gold chain from their neck.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is next submitted that the present case is the counter blast of Jandaha P.S. Case No. 349 of 2023 filed by the petitioner no.1 for the same occurrence. There is no specific allegation against the petitioner rather the allegation is general and omnibus. Allegation of snatching gold chain is ornamented. It is further submitted that injury received by the injured persons are simple in nature. Lastly, it has been submitted that petitioner no.1 has one criminal case against him and the petitioners no. 2 to 4 have clean antecedent.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Jandaha P.S. Case No. 350 of 2023, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur, subject to condition as laid down under



Section 438(2) of the Cr.P.C., as well as the 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
- III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
- IV. 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.

(Khatim Reza, J)

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