

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42127 of 2024

Arising Out of PS. Case No.-133 Year-2024 Thana- GOVINDGANJ District- East
Champaran

1. Parma Chaudhary @ Parma Mahto S/O Ramadhar Chaudhary R/O
VILLAGE SIRANI BAZAR,P.S. -GOVINDGANJ, DISTT- EAST
CHAMPARAN
2. Poonam Devi W/O Chandan Chaudhari R/O VILLAGE SIRANI
BAZAR,P.S. -GOVINDGANJ, DISTT- EAST CHAMPARAN
3. Chandan Chaudhari S/O Sharma Chaudhari @ Sharma Mahto R/O
VILLAGE SIRANI BAZAR,P.S. -GOVINDGANJ, DISTT- EAST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 42326 of 2024

Arising Out of PS. Case No.-133 Year-2024 Thana- GOVINDGANJ District- East
Champaran

Vikarma Chaudhary @ Vikrama Mahato S/O ramadhar Mahato R/O
VILLAGE- SIRANI BAZAR, P.S.- GOVINDGANJ,DISTT- EAST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 42127 of 2024)

For the Petitioner/s : Mr.Rahul Singh, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 42326 of 2024)

For the Petitioner/s : Mr.Rahul Singh, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-07-2024

Heard the parties.

2. The petitioners are apprehending arrest in
connection with Govindganj (Malahi) P.S. Case No. 133 of 2024
instituted under Sections 341, 342, 147, 148, 149, 323, 324, 353,
307, 120(B) of the Indian Penal Code lodged on 25.3.2024 by



the informant, Avinash Kumar Choudhary.

3. As per the prosecution story, the informant, who is a Police officer alleged that during patrolling duty, some named and 42-45 unknown surrounded the police vehicle and assaulted which led to injuries and they were anyhow able to escape from the place and went to the Sub-Divisional Hospital, Areraj for the treatment.

4. Learned counsel for the petitioners submit that a perusal of the FIR would show that omnibus allegation has been made against all the accused persons alleging the assault. He submits that as there is some rivalry between the Vikarma Choudhary and the Police, some of the accused persons including his wife has been named. He submits that so far as the petitioners in Cr. Misc. No. 42127 of 2024 are concerned, they do not have criminal antecedent and regarding Cr. Misc. No. 42326 of 2024 (Vikarma Chaudhary) due to enmity with the Police, he has criminal antecedent. The last submission is that irrespective of outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs. 5000/- each (totalling Rs. 20,000/-) through Demand Draft issued by the Local Branch of the State Bank of India to be submitted before the 'Nazarat' of the concerned Court to be handed over to



informant, two police constables namely Sweta Kumari and Akhilesh Paswan as also the driver of the vehicle.

5. Learned APP opposes the prayer stating that they assembled and assaulted the police.

6. Though, there is allegation of assault, the same is omnibus in nature, the FIR is there, the petitioners will have to face the music, in the particular facts and circumstances, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 5000/- each (totalling Rs. 20,000/-) as undertaken by the learned counsel for the petitioners to be paid by the Demand Draft of the local SBI to be submitted to the trial court and handed over to the informant, two police constables namely Shweta Kumari and Akhilesh Paswan as also the driver of the vehicle.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court 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 the like amount each in connection with Govindganj (Malahi) P.S. Case No. 133 of 2024 to the satisfaction of learned C.J.M., East Champaran, Motihari, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other



conditions.

(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 co-operate in the investigation and make themselves available to the police as and when required;

(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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