

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51715 of 2024

Arising Out of PS. Case No.-191 Year-2023 Thana- CHAUTHAM District- Khagaria

1. China Devi Wife of Late Nageshwar Chaurasia R/O Vill.- Farreh, P.S.- Chautham, Dist.- Khagaria
2. Kabita Devi Wife of Sri Alok Chaurasia R/O Vill.- Farreh, P.S.- Chautham, Dist.- Khagaria
3. Alok Chaurasia Son of Late Nageshwar Chaurasia R/O Vill.- Farreh, P.S.- Chautham, Dist.- Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the State	:	Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 18-12-2024 Heard Ld. counsel for the petitioners and Ld. APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Chautham P.S. Case No. 191 of 2023 dated 22.06.2023, registered for the offences punishable under Sections 448, 341, 323, 354(B), 308 and 379/34 of the Indian Penal Code.

3. As per the allegation, the victims have been assaulted by the petitioners by *lathi*, causing simple injuries on their person.

4. Ld. counsel for the petitioners submits that the



Petitioners are innocent and have falsely been implicated in this case. He further submits that on account of land dispute, there was altercation between the parties and both sides got some injuries and even the petitioners have lodged criminal case bearing Chautham P.S. Case No. 192 of 2023. He further submits that seeing the nature of the case against the petitioners, the police has given benefit of Section 41(A) of Cr.PC to the petitioners and they are co-operating with the police.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedent.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the aforesaid facts and circumstances of the case, **this petition is allowed**, directing the petitioners, above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each



to the satisfaction of Ld. Chief Judicial Magistrate, Khagaria in connection with Chautham P. S. Case No. 191 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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