

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50783 of 2024

Arising Out of PS. Case No.-129 Year-2022 Thana- PARBATTa District- Khagaria

1. Shubham Chaudhary @ Shubham Kumar Son of Abhiram Chaudhary R/O Vill.- Sirajpur, P.S.- Parbatta, Dist.- Khagaria
2. Abhiram Chaudhary Son of Rambadan Chaudhary R/O Vill.- Sirajpur, P.S.- Parbatta, Dist.- Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2024 Heard Mr. Anuj Kumar, learned counsel for the petitioners and Mr. Anil Prasad Singh, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Parbatta P.S. Case No. 129 of 2022, F.I.R. dated 20.03.2022 registered for the offences punishable under Sections 307, 341, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that on 18.03.2022 about eight accused persons including the petitioners came at the house of the informant having lathi, danda and started abusing. Accused Manchan gave his pistol to



Bholi Choudhary who opened firing which hit in the neck of the informant's son Golu and pointed pistol towards the chest of the informant.

4. Learned counsel for the petitioners submits that the petitioner no.1 namely Shubham Chaudhary having clean antecedents and petitioner no. 2, namely, Abhiram Chaudhary carries one more case other than the present one and they have been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against these petitioners and there is specific allegation of firing attributed against co-accused person namely Bholi Kumar. He further submits that co-accused Iron Kumar @ Aryan Kumar has been granted the privilege of anticipatory bail by this Court vide order dated 17.10.2023 passed in Cr. Misc. No. 39789 of 2023.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and the fact that there is no specific allegation of any assault or overt act attributed against the petitioners and co-accused person have been granted the privilege of anticipatory bail by this Court, let the petitioners, above named, in the event of their



arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Khagaria in connection with Parbatta P.S. Case No. 129 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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