

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67648 of 2024

Arising Out of PS. Case No.-309 Year-2023 Thana- YADOPUR District- Gopalganj

1. Rabindra Choubey son of Late Basudev Choubey Village- Baraipatti, Ps- Yadopur, dist- Gopalganj
2. Ramesh Choubey Son of Late Basudev Choubey Village- Baraipatti, Ps- Yadopur, dist- Gopalganj
3. Anand Mohan Choubey @ Anand Choubey @ Mantu Choubey Son of Late Janardan Choubey Village- Baraipatti, Ps- Yadopur, dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-10-2024 Heard Mr. Subhash Kumar, learned counsel for the

petitioners as well as Mr. Anil Kumar Singh No. 1, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Yadopur P.S. Case No. 309 of 2023, F.I.R. dated 19.12.2023 for the offences punishable under Sections 341, 323, 324, 307, 379, 506/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners armed with deadly weapons have brutally assaulted the son of the informant and when the informant and her husband tried to save their son, then all the



accused persons also assaulted to them which causes injuries to informant and her son and husband. It is further alleged the co-accused, Guddi Devi snatched mangalsutra of the informant.

4. Learned counsel for the petitioners submits that petitioner no. 1 has clean antecedent and petitioner nos. 2 and 3 carries one criminal antecedent other than the present one and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. Although there is specific allegation against these petitioners that they have assaulted the informant and her son and husband but from perusal of the injury report it appears that the injury inflicted on the informant and her husband are simple in nature and the injury inflicted on the son of the informant, namely, Anubhav Chaubey is found to be grievous in nature but the same is due to fracture in the left hand but the same is not on the vital part of the body. He further submits that both the parties are agnate.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the petitioner nos. 2 and 3 carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioners are



on bail in the pending matter.

6. Considering the aforesaid facts and circumstances that both the parties are agnate and due to admitted land dispute the present occurrence has taken place, let the petitioners, above named, in the event of 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/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, IV, Gopalganj in connection with Yadopur P.S. Case No. 309 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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 antecedent, 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)

Vanisha/-

U		T	
---	--	---	--

