

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73911 of 2023

Arising Out of PS. Case No.-419 Year-2023 Thana- MASAUDHI District- Patna

1. MAHADEV CHAUDHARI SON OF SHIV CHAUDHARI RESIDENT OF VILLAGE- GURPATICHAK, PS- MASAURHI, DISTT- PATNA
2. SAHDEV CHAUDHARI SON OF SHIV CHAUDHARI RESIDENT OF VILLAGE- GURPATICHAK, PS- MASAURHI, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 05-03-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Masaurhi P.S. Case No. 419 of 2023 for the offence under Sections 341, 323, 354(B), 307, 379 and 34 of the I.P.C. lodged on 20.06.2023 by the informant, Sanjeera Devi.

3. As per the prosecution story, the informant has alleged that when they were sleeping on the roof after taking dinner, the accused persons came and assaulted him on the head, causing injury. Further allegation is of outraging the modesty of the woman. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that a



bare perusal of the FIR would show that omnibus allegation has been made, there is nothing on record to show that the said injury is grievous in nature, they are agnates and only to exaggerate the implication, the allegation of outraging the modesty. Learned counsel for the petitioners further submits that without accepting the allegation and/or the outcome of the present petition, in view of the fact that the informant side has alleged injuries, the petitioners on their own would like to contribute towards the medical assistance of Rs. 5,000/- each (total Rs. 10,000/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer.

6. Taking into account the submissions put forward by the parties as also that there is omnibus allegation and none of the two petitioners have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 5,000/- each as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local State Bank of India to be



submitted to the Trial Court.

7. Let the petitioners be released on bail in the event of their arrest or surrender 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 like amount each to the satisfaction of learned ACJM, Masaurhi in connection with Masaurhi P.S. Case No. 419 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(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.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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