

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67357 of 2024

Arising Out of PS. Case No.-519 Year-2023 Thana- KONCH District- Gaya

1. Indal Kumar @ Indal Chaudhary S/O Late Munshi Chaudhary R/O Village- Newdhi (Nevdhi), P.S- Konch, Dist.- Gaya.
2. Uday Chaudhary S/O Late Munshi Chaudhary R/O Village- Newdhi (Nevdhi), P.S- Konch, Dist.- Gaya.
3. Dhananjay Chaudhary S/O Late Munshi Chaudhary R/O Village- Newdhi (Nevdhi), P.S- Konch, Dist.- Gaya.
4. Sanoj Kumar @ Tuntun Chaudhary @Tuntuj Kumar S/O Vijay Chaudhary @ Vinay Chaudhary(In F.I.R. wrongly mentioned S/O- Munshi Chaudhary R/O Village- Newdhi (Nevdhi), P.S- Konch, Dist.- Gaya.
5. Rahul Kumar @ Rahul Chaudhary S/O Ramdev Chaudhary (In F.I.R wrongly mentioned S/O Munshi Chaudahry) R/O Village- Newdhi (Nevdhi), P.S- Konch, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-10-2024 Heard Mr. Arvind Kumar Singh, learned counsel for the petitioners and Mr. Sanjay Kumar Tiwary, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Konch P.S. Case No. 519 of 2023, F.I.R. dated 05.11.2023 registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code.

3. Allegation against the petitioners is that they have



assaulted on the head of the informant with baletha causing head injury and when the son and daughter-in-law of the informant came and daughter-in-law was given a blow of *pasuli* due to which her lips were cut.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that although the petitioners are named in the F.I.R. but 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 rather there is specific allegation of assault is against co-accused person namely Vijay Choudhary.

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 the petitioners having clean antecedents and there is no specific allegation of any assault or overt act attributed against these petitioners, 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 Judicial Magistrate 1st Class, Gaya in connection with Konch P.S. Case No. 519 of



2023, 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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