

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70475 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- Chhaudahi District- Begusarai

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1. Rahul Kumar Son of Dinesh Das Resident of Village - Bajitpur, Ward No.3, P.S. - Chaurahi, District - Begusarai
 2. Dinesh Das Son of Mewalal Das Resident of Village - Bajitpur, Ward No.3, P.S. - Chaurahi, District - Begusarai
 3. Chhotu Kumar Das Son of Mewalal Das Resident of Village - Bajitpur, Ward No.3, P.S. - Chaurahi, District - Begusarai
 4. Kanchan Devi Wife of Sudhir Das Resident of Village - Bajitpur, Ward No.3, P.S. - Chaurahi, District - Begusarai
 5. Tetri Devi Wife of Dinesh Das Resident of Village - Bajitpur, Ward No.3, P.S. - Chaurahi, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bijay Bhushan Prasad, Advocate
For the State	:	Mr. Binod Kumar No.3, APP
For the Informant	:	Mr. Kumar Gangesh Gunjan, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-10-2024 Heard Mr. Bijay Bhushan Prasad, learned counsel

for the petitioners, Mr. Kumar Gangesh Gunjan, learned counsel

for the informant and Mr. Binod Kumar No.3, learned APP for

the State.

2. The petitioners apprehend their arrest in connection

with Chaurahi P.S. Case No. 23 of 2024 dated 24.04.2024

registered for the offences punishable under Sections 341, 323,

307, 354 B, 379 read with Section 34 of the Indian Penal Code.

3. At the outset, on being pointed out by informant's



counsel, permission is sought by petitioners' counsel to make the necessary correction in paragraph '3' of the petition regarding the criminal antecedent of petitioner no.2.

4. Permission is granted and the necessary correction in paragraph '3' of the petition be made in course of the day.

5. The main submissions advanced by learned counsel appearing for the petitioners are that all the petitioners are next door neighbours of the prosecution party, in the present matter, informant and her husband are said to have been assaulted by the accused/petitioners but only one injury on each of the said injured persons was found and the same was opined to be simple in nature. It is further submitted that against the petitioner nos. 1, 3, 4 and 5 there is no criminal antecedents and out of them, petitioner nos. 4 and 5 are ladies and the allegations levelled against the petitioner nos. 2, 3, 4 and 5 are general and omnibus.

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

7. Learned counsel for the informant has opposed this bail petition and submitted that petitioner no.2 has criminal antecedent of one case and he has intentionally concealed his criminal antecedent before this Court in this petition.



8. Considering the facts and circumstances of this case as well as above submissions coupled with the facts that the petitioners and the prosecution party are next door neighbours and against the petitioner nos. 2, 3, 4 and 5 there is no specific allegation though petitioner no. 2 has criminal antecedent of one case but the same has been lodged under Excise Act and is not similar to the present occurrence and further, on the person of the so-called injured persons, simple injuries have been opined by the doctor concerned as reflects from the order impugned, in my opinion, the petitioner nos. 2, 3, 4 and 5 deserve to the privilege of anticipatory bail. Accordingly, let the **petitioner nos. 2, 3, 4 and 5** named-above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Chaurahi P.S. Case No. 23 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. So far as the prayer for bail of petitioner no. 1 is concerned, as against him there is specific allegation of having assaulted at the head of the informant by means of *khanti* which



gets corroboration from his injury report discussed in the impugned order, in my opinion, he does not deserve to the privilege of anticipatory bail, accordingly, his prayer stands rejected.

(Shailendra Singh, J)

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