

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79376 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- PATEPUR District- Vaishali

1. Bharat Chaudhary @ Bharat Sah, Son of Daya Nand Chaudhary, Resident of Village - Maudah Buzurg, P.S. - Patepur, District – Vaishali.
2. Ram Lal Chaudhary @ Ram Lal Sah, Son of Daya Nand Chaudhary, Resident of Village - Maudah Buzurg, P.S. - Patepur, District – Vaishali.
3. Daya Nand Chaudhary @ Dayanand Sah, Son of Late Lagan Chaudhary @ Lagan Sah, Resident of Village - Maudah Buzurg, P.S. - Patepur, District – Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ranjit Kumar Thakur, Advocate
		Mr. Mrityunjay Kumar, Advocate
For the State	:	Mr. Satya Nand Shukla, APP
For the Informant	:	Mr. Mukul Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Patepur P.S. Case No. 119 of 2023 registered for the offences punishable under Sections 341, 323, 379, 307, 354(B), 427, 447, 504, 506/34 of the Indian Penal Code. Petitioner no. 1 has got no criminal antecedent whereas petitioner nos. 2 and 3 have got one criminal antecedent in which both of them are on bail.

3. As per the prosecution story, on 16.05.2023 at about 06:00 P.M., all the accused persons, namely, Bharat Chaudhary (petitioner no. 1), Satrugan Chaudhary, Ramlal Chaudhary (petitioner no. 2), Rani Devi, Dayanand Chaudhary (petitioner no. 3)



and both the sons of Bharat Chaudhary variously armed came at the house of the informant and started abusing her and demolished the old wall of her house. It is alleged that Bharat Chaudhary (petitioner no. 1) inflicted a farsa blow on the head of the informant which caused head injury and when her mother came to rescue her, Satrugan Chaudhary assaulted on her head with iron rod, in the meantime, when the husband came to save them, all the accused persons assaulted him. It is also alleged that accused Ramlal Chaudhary (petitioner no. 2) tried to outrage the modesty of the informant. It is further alleged that accused Rani Devi snatched away gold ornaments worth Rs.1 lakh from the neck of the informant.

4. Learned counsel for the petitioners submits that the allegations against the petitioners are false, fabricated and baseless. It is alleged that petitioner no. 1 had given a farsa blow on the head of the informant but the Doctor has found one injury on the person of the informant caused by hard and blunt object. The said injury is simple in nature.

5. So far as petitioner no. 2 and 3 are concerned, the allegations against them are completely vague and general in nature. There is no specific allegation against petitioner nos. 2 and 3.

6. Learned counsel for the informant and learned APP for the State are unable to show that any corresponding injury from farsa has been noticed by the Doctor.

7. Having regard to the facts and circumstances of the case



and taking into consideration the submission that the manner of occurrence as alleged is not being corroborated by the materials, at this stage, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Patepur P.S. Case No. 119 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. 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.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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