

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 80872 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- ARIYARI District- Sheikhpura

1. Rahul Chaudhary Son Of Rajendra Chaudhary.
 2. Pintu Chaudhary @ Pintu Kumar Son Of Bhuneshwar Chaudhary.
 3. Rajendra Chaudhary Son of Late Kartik Chaudhary.
- All are resident of Village - Husainabad, P.S. - Ariyari, District – Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-01-2024 Heard Mr. Sheo Nandan Prasad, learned counsel appearing on behalf of the petitioners and Mr. Kumar Veerendra Narayan, learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with Ariyari P.S. Case No.34 of 2023 dated 31.01.2023 registered for the offences punishable under Sections 341, 323, 324, 354(B), 506 and 504/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, six accused persons have been named therein. Specific allegation is that co-accused Bhola Choudhary and Bholi Choudhary have outraged the modesty of the informant, as well as, assaulted her brutally and after one day of the incident, which had occurred on

30.01.2023, the petitioners also assaulted the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that there is general and omnibus allegation against the petitioners and the same appears to be false. From the perusal of the FIR, it appears that the incident had taken place on 30.01.2023 and on the day of alleged incident, the petitioners were not present at the place of occurrence but allegedly after one day, they had assaulted. He further submitted that the allegation being general and omnibus, the petitioners deserve to be released on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that from very perusal of the FIR, it has been alleged that the modesty of the informant has been outraged a day before and these petitioners had assaulted the next day, without there being any specific allegation against the petitioners of having assaulted. The allegation being general and omnibus allegation against the petitioners, creates doubt that they were involved in the incident of outraging the modesty of the informant.

7. The petitioners, above named, are directed to be

released on pre-arrest bail, in the event of their arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM- Ist, Sheikhpura/concerned court in connection with Ariyari P.S.Case No.34 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J.)

Ashishsingh/-
Chn/-

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