

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79583 of 2023

Arising Out of PS. Case No.-342 Year-2023 Thana- HISUWA District- Nawada

1. Bablu Chaudhary @ Bablu Kumar, Son Of Rohan Chaudhari, Resident Of Po Hisua Dih Railway Gumti Ps Hisua Dist Nawada
2. Pintu Chaudhary @ Pintu Kumar, Son Of Rohan Chaudhari, Resident Of Po Hisua Dih Railway Gumti Ps Hisua Dist Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Barial, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-06-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Hisua P.S. Case No.342 of 2023 registered for the offences punishable under Sections 341, 323, 379, 504 and 506/34 of the Indian Penal Code and Section 37(c) of the Bihar Prohibition and Excise Act, 2016.

3. Earlier the prayer for bail of the petitioners was withdrawn with liberty to file a fresh application clearly stating the complete criminal antecedent. It is stated in paragraph '3' of the present application that the petitioners have got one criminal antecedent and in the said case they are on bail.



4. As per the prosecution story, on 02.07.2023 these petitioners along with two others came at the shop of the informant and started pelting stones at his shop and also assaulted him. It is alleged that the co-accused Sanjay Chaudhary was in drunken condition who assaulted him and also took away Rs.46,000/- from his shop and snatched 15 gm of golden chain.

5. Learned counsel for the petitioners submits that from the FIR, it would appear that the thrust of the allegations are against co-accused Sanjay Chaudhary. The earlier case against the petitioners was filed by the brother of the informant on similar allegations and in the said case the petitioners are on bail.

6. Learned counsel submits that there is no specific allegation of commission of overt act against the petitioners and if allowed the privilege of pre-arrest bail they would cooperate with the investigation and shall attend the trial on the dates fixed in the matter.

7. Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioners, but considering the entire facts and circumstances of the case, the nature of the accusations and there being no specific allegation against the



petitioners, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1st, Nawada in connection with Hisua P.S. Case No. 342 of 2023, 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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