

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5289 of 2024

Arising Out of PS. Case No.-169 Year-2017 Thana- BUXAR MUFFASIL District- Buxar

1. Nagendra Kumar son of Prem Chaudhary @ Prem Nath Chaudhary Village- Gopal Nagar Chakiya Ps- Buxar Muffasil Dist- Buxar
2. Virendra Kumar son of Prem Chaudhary @ Prem Nath Chaudhary Village- Gopal Nagar Chakiya Ps- Buxar Muffasil Dist- Buxar
3. Mukesh Kumar @ Mukesh Chaudhary @ Mukesh Kr. Chaudhary son of Ajit Chaudhary Village- Gopal Nagar Chakiya Ps- Buxar Muffasil Dist- Buxar
4. Banti Kumar son of Manoj Chaudhary Village- Gopal Nagar Chakiya Ps- Buxar Muffasil Dist- Buxar
5. Upendra Kumar @ Rahul Kumar son of Prem Chaudhary Village- Gopal Nagar Chakiya Ps- Buxar Muffasil Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Sunil Kumar, Advocate
For the State	:	Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-02-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 143, 447, 341, 323, 504, 379 and 307 of the Indian Penal Code.

3. As per prosecution case, on the alleged date and time of occurrence, all the F.I.R. named accused persons, including these petitioners, were abusing one Harendra Choudhary at the door of the informant. It is further alleged that when the informant objected, all the accused persons, including



these petitioners, assaulted the informant with lathi. Thereafter, when the informant's family members came to rescue him, they were also assaulted, on account of which five family members of the informant sustained injuries.

4. It is submitted by learned counsel appearing on behalf of the petitioners that the allegation of assault is general and omnibus and no specific allegation of overt act has been alleged against these petitioners. Moreover, the injuries sustained by the injured has been found to be simple in nature. It is further submitted that the police after investigation has submitted final form in favour of the petitioners but the learned trial court, differing with the same, has taken cognizance against all the accused persons. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Considering the rival submissions, nature of accusation, injuries sustained by the injured and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs.



10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, in connection with Buxar (Muffasil) P.S. Case No.169 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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