

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52329 of 2016

Arising Out of PS.Case No. -196 Year- 2016 Thana -UDWANTNAGAR District- BHOJPUR

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1. Butan Choudhary,
 2. Upendra Choudhary. Both Son of Late Janeshwar Choudhary, Resident of village - Belaur, P.S. Udawant Nagar, District - Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Narayan Rai, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-12-2016 Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners are languishing in custody since 31.06.2016 in connection with Udwant Nagar P.S. Case No. 196/16 for offences punishable under Sections 302, 120-B of the Indian Penal Code and under Section 27 of the Arms Act.

The allegation against the petitioners is that they had given threatening to kill the deceased and the master mind behind the occurrence.

It has been submitted by the learned counsel for the petitioners that no overt act has been committed by them as they were in custody during that period in connection with another case and have been remanded in the present case on 31.05.2016. It



is submitted that accusation is upon Dipu Choudhary and Sonu Choudhary to have fired upon Hemant Choudhary. It is further submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and that one of the co-accused has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 41607 of 2016 on 17.10.2016.

However, learned APP for the State submits that the petitioners are named in the First Information Report, petitioner no. 1 has as many as ten cases mostly of similar nature and petitioner no. 2 has also six cases some of similar nature pending against them, hence, opposes the prayer for bail.

Considering the facts and circumstances and since charge-sheet has been submitted, from the materials available, it does not reveal that the petitioners' liberty on bail would adversely affect their trial, hence, in the interest of justice, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Udwant Nagar P.S. Case No. 196/16.

This direction of bail is, however, subject to the



condition that one of the bailors should be the close relative of the petitioners and the other bailor should have sufficient immovable property within the jurisdiction of the concerned police station/ court and that the petitioners will appear before the learned court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds. If the petitioners indulge in an offence of similar nature in future, the learned court below will be at liberty to cancel the bail bonds of the petitioners.

(Nilu Agrawal, J.)

Rajesh/-

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