

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44316 of 2017

Arising Out of PS.Case No. -57 Year- 2017 Thana -THAKRAHA District-
WESTCHAMPARAN(BETTIAH)

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1. Pannalal Choudhary Son of Manchan Choudhary, R/o Village- Nawka Tola, P.S.- Thakraha, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Mr. Sri Nirmal Kumar Sinha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 09.05.2017 in connection with Thakraha P.S. Case No. 57 of 2017 for offences punishable under Sections 341, 323, 326, 337, 447, 504/34 of the Indian Penal Code and later on section 302 has been added.

The prosecution case, as lodged by the informant, is that while he was sitting in his house, the petitioner along with two others started taking away straws from his hut, for which he objected then they started abusing and assaulting the informant. When his father Mahabir Choudhary came, he was also beaten by



means of bricks on the chest by the petitioner who succumbed to the injuries a day after.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the present case. The deceased was an old man of 78 years and that the petitioner does not have any criminal antecedent and that both sides were neighbour and a counter case has been lodged by the petitioner's side being Thakraha P.S. Case No. 56 of 2017 for the occurrence of the same day. He submits that although in the FIR, the petitioner is alleged to have caused injury on the father of the informant in his re-statement, he has leveled general and omnibus allegations against all the accused. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the allegation in the FIR of assaulting the informant's father by bricks on the chest, has been corroborated in the post-mortem report where the chest and lung cavity was full of blood.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on



bail **after completion of nine months in custody** on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bagaha, West Champaran, in connection with Thakraha P.S. Case No. 57 of 2017 subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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