

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40176 of 2017

Arising Out of PS.Case No. -82 Year- 2017 Thana -KAKO District- JEHANABAD

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1. Fekan Chaudhary @ Fekan Choudhary Son of Late Budhu Chaudhary
Resident of village- Bhikhampur Barhatta, P.S.- Kako, District Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyamal Prakash

For the Opposite Party/s : Mr. Sri Manoj Kumar - 1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 02-11-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody
since 16.06.2017 in connection with Kako P.S. Case No. 82 of
2017 for offences punishable under Sections 341, 323, 504, 307,
379/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his son and other family members were brutally assaulted by
the petitioner and his family members on account of land dispute.
Specific allegation upon the petitioner is of assaulting the son of
the informant Birendra Mistri by means of iron Khanti on head.

It has been submitted by the learned counsel for the



petitioner that he is innocent. Some of the co-accused have been granted pre-arrest bail and the present case is a counter blast to the case filed by the wife of the petitioner bearing Kako P.S. Case No. 91 of 2017. He further submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned counsel for the informant opposes the prayer of bail stating therein that the condition of the injured son of the informant is precarious and injury has been found to be grievous in nature on the vital part of the body.

The learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail **after completion of one year 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, Jehanabad, in connection with Kako P.S. Case No. 82 of 2017 subject to the condition that one of the bailors would be a close relative of 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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