

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30304 of 2018

Arising Out of PS. Case No.-175 Year-2016 Thana- BUXAR INDUSTRIAL District- Buxar

Vijay Choubey @ Vijay Kumar Choubey S/o Hira Lal Choubey, R/o Vill.-
Belaur, P.S.- Buxar (Industrial), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-07-2018 Heard learned counsel for the petitioner, learned
counsel appearing for the informant and learned Addl. P.P.
appearing for the State.

Petitioner had earlier moved for bail which was
rejected vide order dated 22.08.2017 passed in Cr. Misc. No.
30283 of 2017.

Petitioner is languishing in judicial custody in
connection with Sessions Trial No. 61 of 2018 arising out of
Buxar (Industrial) P.S. Case No. 175 of 2016 for the offence
alleged under section 302 and other allied sections of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that there was a property dispute between the father (deceased)
of the informant and his brothers. One of the brothers of the



petitioner's side went to cultivate the field, but on objection by his father he was brutally assaulted by the 11 named accused persons. Resultantly, he died during course of treatment.

It has been submitted by learned counsel for the petitioner that he is innocent, bears no criminal antecedent and the matter relates to property dispute. He submits that charges have been framed, trial is going on and he is ready to co-operate in trial on day to day basis. It is further submitted that there is no specific allegation against the petitioner. Out of the eleven co-accused persons, against whom there is allegation of beating his father to death by means of lathi, some of the co-accused persons have been granted the privilege of bail by different co-ordinate Benches of this Court in Cr. Misc. No. 42060 of 2017 dated 11.09.2017, Cr. Misc. No. 59033 of 2017 dated 19.01.2018.

However, learned counsel for the informant and learned Addl. P.P. appearing for the State oppose the prayer for bail.

Considering the facts and circumstances of the case and the materials available on record, let the petitioner, named above, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of F.T.C. I, Buxar in connection with Buxar (Industrial) P.S. Case No. 175 of 2016 corresponding to Sessions Trial No. 61 of 2018 subject to the conditions that :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner, and

(ii) 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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