

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16409 of 2019**

Arising Out of PS. Case No.-29 Year-2018 Thana- RAJNAGAR District- Madhubani

AMAR CHAUDHARY @ AMARPATI CHAUDHARY, aged about 20 years,  
Male, S/o Late Ram Lochan Choudhary, R/O Village- Nijamat, Bhat Simar,  
P.S.- Raj Nagar, District- Madhubani ... Petitioner

Versus

The State of Bihar ... Opposite Party

**Appearance :**

For the Petitioner : Mr. Vagisha Pragya Vacaknavi, Adv.

For the Opposite Party : Mr. Dr. Kumar Uday Pratap, APP

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      27-03-2019                      Heard the learned counsel for the petitioner and the  
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since  
16.01.2019 in connection with Raj Nagar P.S. Case No. 29 of  
2018 (CRI No. 225 of 2018) for the offences alleged under  
Sections 341, 323, 325, 302 and 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is  
that there was a dispute regarding fishing from the pond by both  
sides on which the petitioner along with others started abusing  
the father of the informant. On objection, he was assaulted by  
spade by co-accused, Sampati Choudhari, and allegation upon  
the petitioner and other co-accused is that they assaulted the  
father, mother and brother of the informant.

It has been submitted by the learned counsel for the  
petitioner that he is innocent, bears no criminal history, is a



student and no overt act has been alleged against the petitioner. It is submitted that the main allegation is on co-accused, Sampati Choudhari, who is alleged to have given the spade blow on the deceased and apart from the said injury no other injury has been found in the post mortem report either on the deceased or the mother or brother of the informant. It is, further, submitted that other co-accused, Dhanpati Choudhari, has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 32446 of 2018, dated 13.06.2018.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances, the nature of allegations and that it was a case of single blow wherein the allegation is upon another co-accused, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Raj Nagar P.S. Case No. 29 of 2018 (CRI No. 225 of 2018) to the satisfaction of the learned Judicial Magistrate, 1<sup>st</sup> Class, Madhubani, subject to the following conditions :

(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.

(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)**

Shamshad/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

