

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25960 of 2019

Arising Out of PS. Case No.-149 Year-2018 Thana- NIMCHAKBATHANI District- Gaya

1. RAJENDRA CHAUDHARY @ RAJENDRA CHAUDHARI, aged about 62 years, Male, Son of Late Gopi Chaudhari,
2. Pappu Chaudhary @ Pappu Chaudhari, aged about 30 years, Male, Son of Rajendra Chaudhary @ Rajendra Chaudhari, both are residents of Village-Sighapur, P.S.- Nimchak Bathani, District- Gaya

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner	:	Mr. Deepak Kumar, Adv.
For the Opposite Party	:	Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-05-2019 Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

The petitioners seek bailin connection with Neemchak Bathani P.S. Case No. 149 of 2018 for the offences alleged under Sections 147, 148, 149, 447, 323, 307 and 504 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that there was dispute for land between her father-in-law, Ratan Choudhary and brother of her father-in-law, Rajendra Choudhary. On 03.11.2018, the petitioner no. 1, Rajendra Choudhary, along with two of his sons, his wife and his son's wife came and started abusing his father-in-law, on which co-accused, Tarun Choudhary inflicted lathi blow on the head of



her father-in-law, Ratan Choudhary on which he got seriously injured and is undergoing treatment.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal antecedent, no overt act has been alleged against the petitioners and they are languishing in judicial custody since more than five months. He submits that a counter case has been lodged against the informant's side for the same occurrence. There was a free fight between two sides and both parties received injuries.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that subsequently the informant's father-in-law succumbed to the injuries and Section 302 of the Indian Penal Code has been added against the petitioners and other co-accused.

Considering the nature of allegations and there is no specific allegation of assault against the petitioners, counter case has been lodged by the petitioners' side coupled with the fact that the petitioners do not bear any criminal antecedent, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Neemchak Bathani P.S. Case No. 149 of 2018 to the satisfaction of the



learned Additional Chief Judicial Magistrate, X, Gaya, or the successor Court, subject to the following conditions :

(i) One of the bailors of each of the petitioners would be a close relative having sufficient immovable property, who will file an affidavit stating his/their relationship(s) with the petitioner(s).

(ii) Petitioners 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/their bail bond(s).

(iii) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his/their bail bond(s).

(Nilu Agrawal, J)

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