

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54199 of 2019

Arising Out of PS. Case No.-180 Year-2019 Thana- BAHERA District- Darbhanga

Mohan Kumar Choudhary, aged about 54 years, Gender-Male, Son of Late Shashi Kanth Choudhary Resident of Village-Habibhauar, P.S.- Bahera, District - Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sameer Ranjan, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 28-08-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 376 and 506/34 of the Indian Penal Code registered in connection with Bahera P.S. Case No. 180 of 2019.

3. It is submitted that the petitioner has been falsely implicated in out and out malicious prosecution. The first information report has been lodged in retaliation to the petitioner's own FIR in Bahera P.S. Case No. 179 of 2019 three days prior to the present FIR against the informant's husband in connection with money dispute (Annexure-2). It is submitted that injuries suffered by the petitioner were serious in nature and after examination at PHC and DMCH, petitioner underwent surgery at Fortis Hospital, Bangalore for fracture of ulna. A specific statement has been made in paragraph 14 of the petition that the victim has not been examined by the doctor. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within four weeks from the date of communication of this order, let the above named petitioner be



released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Benipur, District Darbhanga in connection with Bahera P.S. Case No. 180 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

5. The provisional bail granted to the petitioner shall be confirmed by the learned court below upon verification within a period of four weeks after furnishing bail bond, that the victim has not been medically examined at Primary Health Centre or the Government hospital in connection with the alleged occurrence. If found otherwise, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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