

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.78238 of 2018**

Arising Out of PS. Case No.-123 Year-2018 Thana- BHAGWANPUR District- Begusarai

Sharwan Choudhary @ Shravan Chaudhary Son of Late Ramdeo Choudhary  
Resident of Village-Augan,P.s.Bhagwanpur,Distt.-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh 1 (APP)

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

2      08-01-2019                      Heard learned counsel for petitioner and learned  
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Bhagwanpur P.S. Case No. 123 of 2018 registered for the offences punishable under Sections 341, 323, 379, 307, 427, 504, 34 of the Indian Penal Code.

Informant has alleged that his father is insane and his neighbour Raja Kumar used to irk him and when he prevented co-accused Raja Kumar and thereafter brother of Raja Kumar co-accused Kanhaiya Kumar started abusing and assaulting him. Allegation against petitioner is that he handed over to his son iron rod and danda and ordered to assault them and subsequently they were assaulted by co-accused Raja Kumar and Kanhaiya.

It has been submitted on behalf of the petitioner



that he is innocent and has committed no offence. He has been falsely implicated in this case. Informant and petitioner is agnate and there is land dispute between the parties. There is no specific allegation against petitioner of any over act. The injury caused is simple in nature. He has no criminal antecedent and is in custody since 31.08.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sweta Grewal, learned Judicial Magistrate, 1<sup>st</sup> Class, Begusarai, in connection with Bhagwanpur P.S. Case No. 123 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(S. Kumar, J)**

Rajiv/-

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