

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17934 of 2020**

Arising Out of PS. Case No.-303 Year-2017 Thana- JOGAPATTI District- West Champaran

VIKASH CHAUDHARY S/O Moti Chaudhary Resident of Village -
Harpurwa, P.S. - Yogapatti, District - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 05-06-2020 This application has been placed for consideration
by the order of the Hon'ble the Chief Justice through virtual
court proceeding.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Jogapatti P.S. Case No. 303 of 2017
registered for the offences punishable under Sections 143, 341,
323, 324, 354B, 379, 504, 506 of the Indian Penal Code and
Section 8 of Prevention of Children from Sexual Offences Act.

Learned counsel for the petitioner submits that both
the petitioner and the informant's side are co-villagers and next
door neighbours. They had a quarrel over a trivial issues. The
petitioner's side lodged a first information report giving rise to



Jogapatti P.S. Case No. 274 of 2017 on 21.07.2017 against the informant side, the present FIR has thereafter been lodged on 13.8.2017 on the basis of a fardbeyan of Antima said to have been recorded by S.I. of Police on 25.8.2017.

Learned counsel submits that the present FIR has apparently been lodged much after lodging of the FIR of the petitioner's side, moreover, after investigation the Police submitted a report saying that the offences under Sections 341, 323, 324, 504/34 IPC have been made out but the learned court below while taking cognizance differed with the police report and issued summons to the petitioner also under Section 354(B) IPC and Section 8 of the POCSO Act.

Learned counsel submits that on perusal of the FIR it would appear that the issues were trivial and both the parties had a free fight on the same, there was no intention to commit any wrong with the sister of the informant. The petitioner is in custody since 24.01.2020 and in fact both the parties are not willing to go on with the litigation.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case that there is case and counter case by both the parties over the



alleged dispute in which it seems that both sides have indulged in free fight and that the petitioner has remained in custody for over four months, investigation against him is complete and there is no submission that his release at this stage is in any way likely to adversely affect the course of justice particularly when the parties want to live peacefully, let the petitioner above named be released on bail in connection with Jogapatti P.S. Case No. 303 of 2017 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned Ist Additional Sessions Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, West Champaran, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or



tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

