

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1348 of 2020

Arising Out of PS. Case No.-69 Year-2019 Thana- CHANDI District- Nalanda

Raju Choudhary, aged about 45 years (Male), son of Late Doman Choudhary,
Resident of Village - Satnag, Police Station - Chandi, District - Nalanda
... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Thakur

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 01-12-2020 Heard Mr. Ajay Kumar Thakur, learned counsel for
the appellant and Mr. Sadanand Paswan, learned Special Public
Prosecutor appearing for the State through video conferencing.

The present appeal is directed against the order dated
05.03.2020 passed by learned 1st Additional Sessions Judge –
cum- Special Judge, Nalanda at Biharsharif in connection with
Chandi P.S. Case No. 69 of 2019 registered for the offence
under Section 302 / 34 of the I.P.C. and Section 3 (2)(v) of the
SC/ST (Prevention of Atrocities) Act by which the regular bail
of the appellant has been rejected.

The allegation as per First Information Report is that
appellant along with other named accused persons took the
brother of the informant with them and the dead body of the
victim was found on 23.02.2019 which was hanging from a tree.

This is 2nd attempt for grant of bail on behalf of the
appellant inasmuch earlier the prayer for bail of the appellant
was rejected by a co-ordinate Bench of this court vide Cr.
Appeal (SJ) No. 3158 of 2019 dated 21.10.2019.



Learned counsel for the appellant submits that the appellant has not committed any offence in the manner alleged and the co-accused / Vijendra Chaudhary has been granted bail by a co-ordinate Bench of this court in Cr. Appeal (SJ) No. 3391 of 2019 (Annexure 4 to this memo of appeal).

This court had called for a report vide order dated 09.10.2020 regarding the present stage of the trial from the learned trial court and the same has been furnished by learned I/c Addl. Sessions Judge - 1st -cum- Spl. Judge (SC / ST Act) Nalanda at Biharsharif dated 20th October, 2020. From perusal of the report it appears that cognizance of the offences after submission of charge sheet was taken on 11.06.2019 and 08 charge sheet witnesses are there. It appears that none of the witnesses has been examined up till now whereas the appellant is in custody since 25.02.2019.

Having regard to the submission made by the parties and taking into consideration the materials available on record and the fact that similarly situated co-accused has been granted bail and trial has not registered any progress after framing of charge, I am inclined to grant regular bail to the appellant.

Accordingly, let the appellant, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/-



(ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge, Nalanda at Biharsharif in connection with Chandi P.S. Case No. 69 of 2019 on the following conditions:-

(a) that the appellant shall fully cooperate with the investigation / trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

(b) that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(c) the appellant shall not leave the country without permission of the learned trial court.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

praful/-

(Anil Kumar Sinha, J)

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