

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 30392 of 2020**

Arising Out of PS. Case No.-1087 Year-2019 Thana- NAWADA District- Nawada

PAWAN CHAUDHARY Son of Chandrika Chaudhary Resident of Village-
Bhadauli Near Sitaram Sahoo College, P.S.- Nawada, District- Nawada, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Hansraj, Advocate
For the Opposite Party/s : Mr Aslam Ansari, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 22-12-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

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

The petitioner seeks bail in Nawada Police Station (for brevity, *PS*) Case No 1087 of 2019 dated 16.09.2019 instituted for the offence punishable under Sections 341, 323, 504, 302/34 of Indian Penal Code.



It is alleged that the informant's grandfather has been assaulted by the petitioner along with other co-accused persons.

Learned counsel for the petitioner submits that the petitioner has been implicated in this case for extraneous considerations as there is no eye witness to the occurrence. The allegations are general and omnibus. The petitioner happens to be the next door neighbour of the informant and, as such, due to subsisting land dispute, he has been falsely implicated. In fact, the victim has died due to certain ailments as no external injuries have been found on the victim even though material from the case diary has been taken note in the order of rejection by the Court below. The petitioner is now in custody since 16.09.2019 and he bears a clean past.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Nawada in Nawada PS Case No 1087 of 2019 dated 16.09.2019 subject to the following conditions:-

- (i) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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