

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63800 of 2019

Arising Out of PS. Case No.-116 Year-2019 Thana- KASHICHAK District- Nawada

1. ANIL CHAUDHARY Son of Shri Chaudhary
2. Nitish Chaudhary @ Nitish Kumar Son of Awadh Chaudhary @ Audh Chaudharee
Both Resident of Village - Harihar Bigha, P.S.-Kashi chak, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Deo Raj

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 24-01-2020 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Section 323, 341, 307, 504, 302/34 of the Indian Penal Code.

Informant has alleged that while his deceased son Nabdu @ Nandu Manjhi was sitting near a banyan tree, co-accused Awadh Chaudhary was passing over and leg of informant's son touched Awadh Chaudhary which infuriated him and he started abusing and on protest being made, all the accused persons started assaulting him. It has further been alleged that Awadh Chaudhary assaulted the son of informant



with a wooden plank on his head as a result of which he sustained grievous injury and was taken to hospital but he succumbed to his injuries.

It has been submitted on behalf of the petitioners that they are innocent and have falsely been implicated in this case due to village politics. There is general and omnibus allegation against the petitioners. Only one injury was found on person of deceased which proved fatal. Similarly placed co-accused Satish Chaudhary has already been granted bail by a co-ordinate Bench of this Court vide order dated 27.11.2019 passed in Cr. Misc. No.71800 of 2019. Petitioners have no criminal antecedent.

Learned counsel for the informant has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Kashichak P.S. Case No.116/2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel their bail bonds.

(3) If the petitioners tamper 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 petitioners.

(S. Kumar, J)

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