

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.13580 of 2021**

Arising Out of PS. Case No.-99 Year-2017 Thana- PATEPUR District- Vaishali

1. MANOJ CHOUDHARY, S/o Jageshwar Choudhary, Resident of Village- Durgapur Simarwara, P.O. and P.S.- Patepur, Distt- Vaishali.
2. Ashok Kumar, S/o Jageshwar Choudhary, Resident of Village- Durgapur Simarwara, P.O. and P.S.- Patepur, Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Sourav Suman, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

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

2      29-07-2021                      Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Patepur P.S. Case No. 99 of 2017 registered for the offence punishable under Section 147, 148, 149, 341, 323, 324,302 and 354B of the Indian Penal Code.

From perusal of the First Information Report, the named accused persons including the petitioners attempted to outrage the modesty of the daughter-in-law of the informant.

When the family members including the grand-son of the informant attempted to rescue her, the accused persons started assault against them. Co-accused Santosh Chaudhary assaulted to Dayanand with sword causing injury at his head as a result whereof Dayanand died. Subsequently, others also assaulted to the named persons.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel submits that similar allegations have been made against co-accused Jageshwar Choudhary and Dasrath Choudhary, Jageshwar Choudhary has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 4592 of 2019. Similarly situated co-accused Dasrath Choudhary has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 59378 of 2018.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that the specific allegation of assault by a sword is against co-accused Santosh Choudhary, so far as these petitioners are concerned, they are said to have assaulted by iron

rod, similar allegations have been made against co-accused Jageshwar Choudhary and Dasrath Choudhary, Jageshwar Choudhary has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 4592 of 2019. Similarly situated co-accused Dasrath Choudhary has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 59378 of 2018, these petitioners are said to have remained in custody in connection with this case since 01.02.2020, investigation against them is complete but the trial is not likely to take place in near future, this Court directs release of the petitioners above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-X, Hajipur, Vaishali in connection with Patepur P.S. Case No. 99 of 2017, subject to the condition as laid down under Section 437 (3) 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, of 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 the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(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'.