

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13253 of 2021

Arising Out of PS. Case No.-219 Year-2020 Thana- KATIHAR MUFFASIL District- Katihar

DURGA CHOUHAN, Son of Kailash Chouhan, Resident of Village Digghi,
P.S. Mufassil, District Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in Mufassil P.S. Case No.219
of 2020, registered for the offences punishable under Sections
341, 323, 279, 338, 307, 354(D), 504, 506 and 34 of the Indian
Penal Code as well as under Section 8 of the POCSO Act.

The prosecution case, in brief, is that on the order of
the petitioner, Bhola Paswan dashed the informant from his
motorcycle.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. There is general and omnibus allegation against
the petitioner. The specific allegation is against Bhola Paswan.
Charge sheet has been submitted in this case. It is also submitted



that no case under Section 354(D) of the Indian Penal Code is made out. The petitioner is in custody since 7.10.2020 and he has got no criminal antecedent as stated in paragraph 3 of the bail petition.

Learned counsel for the State opposed the prayer for bail of the petitioner.

Having considered the facts aforesaid, let petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VI, Katihar in connection with Mufassil P.S. Case No.219 of 2020, subject to the 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. He 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 and every date fixed in the case and if he fails to do so on two consecutive dates, his bail bonds shall be liable to the cancelled.

(iii) That the petitioner will mark his attendance in the



local police station in the first week of every month till conclusion of the trial, failing which the prosecution will be at liberty to move for cancellation of his bail bond.

(iv) That the bailors shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J.)

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