

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21062 of 2021

Arising Out of PS. Case No.-194 Year-2019 Thana- DINARA District- Rohtas

Fulchand Chaudhary S/O Surya Chaudhary R/O Village Chhapara Tola
(Bhanpur) P.S. Dinara, District Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arabind Nath Pandey, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 30-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Dinara P.S. Case No. 194 of 2019 instituted for the offences
under Sections 341, 323 379, 504, 506 and 34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 14.10.2020, charge-sheet has been
submitted in the case and is a person with clean antecedent.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the informant, Manna Chaudhary alleges that the
petitioner along with other named eleven accused persons in
furtherance of common intention assaulted the informant and his



relative with *lathis* and *danda*. Further, co-accused Surendra Chaudhary is alleged to have taken money from the pocket of Ramdhani Chaudhary and the petitioner is specifically alleged to have given blows with iron rod on the head and ear of Harendra Chaudhary.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case by the informant as mother of the petitioner got registered a cross case regarding the same incidence which is registered as Dinara P.S. Case No. 193 of 2019. Further, the learned counsel submits that in order to create pressure upon the petitioner for withdrawing petitioner's mother from prosecuting the case, the petitioner has been implicated in the present case when the petitioner at the relevant time was not even present at the place of occurrence and further that petitioner on coming to know about his false implication, has voluntarily surrendered in the court below.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 14.10.2020, charge-sheet has been submitted in the case, the petitioner is a person with clean antecedent and the statement of the injured as recorded in paragraph '41' of the



case diary who himself has stated that the accused persons, twelve in number, had come to his house and were having altercation with his family member and when the victim intervened he was assaulted but he has not specifically stated about the role of any of the accused persons in assaulting, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Chief Judicial Magistrate, Bikramganj (Rohtas) in connection with Dinara P.S. Case No. 194 of 2019 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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