

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30856 of 2021

Arising Out of PS. Case No.-129 Year-2019 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. BAIDYANATH CHAUPAL @ VADNATH CHAUPAL Son of Mahendra Chaupal Resident of Village - Brahmpur, P.S.- Kusheshwar Asthan, Distt.- Darbhanga.
 2. Siyawar Chaupal Son of Mahendra Chaupal Resident of Village - Brahmpur, P.S.- Kusheshwar Asthan, Distt.- Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jagdish Prasad Singh, Advocate
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-11-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Kusheshwar Asthan P.S. Case No. 129 of 2019 (G.R. No. 349 of 2019) registered for the offences punishable under Sections 323, 341, 302, 379, 504, 34 of the I.P.C.

According to prosecution case, on 25.05.2019 petitioners along with other accused named in the FIR came at



his shop and co-accused Mahendra Choupal demanded his due money. The informant's father told that money will be given after some days whereupon petitioner no. 1 assaulted them with fist and slap. The petitioner no. 2 assaulted with iron rod. Informant's father fell down on the ground. The injured was taken to hospital where the doctor declared him dead.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. Learned counsel further submits that during investigation witnesses have not supported the involvement of the petitioners in the present case and after investigation police has submitted charge sheet bearing no. 229 of 2019 dated 27.07.2019 only against one Mahendra Chaupal under Section 302 of the I.P.C. Learned counsel further submits that Judicial Magistrate 1st Class, Biraul differing with police report, took cognizance under Sections 323, 341, 302, 504, 34 of the I.P.C. against all accused persons including the petitioners. Petitioners are in custody since 15.12.2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners, above



named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Biraul, Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 129 of 2019 (G.R. No. 349 of 2019), subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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