

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40019 of 2021**

Arising Out of PS. Case No.-302 Year-2019 Thana- TRIVENIGANJ District- Supaul

SONU CHOUDHARY Son of Dr Kesari Prasad Choudhary Resident of
Village- Triveniganj, P.S.- Triveniganj, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Udbhay, Advocate
For the Opposite Party/s :	Mr. Nirmal Kumar Sinha, APP Mr. Prafull Chandra Thakur, Advocate

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

4 24-11-2021 Heard Mr. Ajay Kumar Thakur, learned Advocate for the petitioner and Mr. Prafull Chandra Thakur for the informant. The State is represented by Mr. Nirmal Kumar Sinha, learned APP.

The prayer for bail of the petitioner was earlier rejected vide order dated 20.08.2020 in Cr. Misc. No. 21069 of 2020.

The petitioner is in custody since 31.10.2019.

The report of the trial court indicates that three witnesses out of seven have been examined up till now. The petitioner had suffered epistaxis in jail for which he had to be treated in Sadar Hospital.

Learned counsel for the petitioner has submitted that the case is under Section 307 IPC and



though the petitioner is alleged to have fired, hitting the chest of the informant/victim but such accusation is false and has been made only because the informant was a tenant in the house of the petitioner from where he was evicted. This, it was argued, was the reason for his false implication in this case. Apart from this, it has been submitted that the name of the petitioner did not transpire shortly after the occurrence but only a day later.

Regard being had to the nature of accusation, the period of custody of the petitioner, his illness in the jail and little possibility of the trial being concluded in near future, the petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Supaul in connection with Sessions Trial No. 172 of 2020, arising out of Triveniganj P.S. Case No. 302 of 2019.

One of the bailors shall be the close relative of the petitioner. The petitioner shall participate in the trial on daily basis and in case it is found that attempts are being made by him to impede the pace of trial or of tampering with the evidence, it would be open for the informant to move an application before the trial court



for cancellation of his bail. In that event, the trial court shall promptly proceed in that direction.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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