

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40714 of 2020

Arising Out of PS. Case No.-85 Year-2020 Thana- NAUHATTA District- Saharsa

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KAILASH CHAUDHARY SON OF BACHCHA CHOUDHARY
RESIDENT OF VILLAGE- CHOUTARA MURADPUR, P.S.- NAUHATTA,
DIST- SAHARSA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-04-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Nauhatta P.S. Case No. 85

of 2020, registered for the offence punishable under Sections

147, 148, 149, 341, 323, 307 and 302 of the Indian Penal Code.

As per the prosecution case, this petitioner is alleged

to have caught hold of the deceased and thereafter, all the 11

named accused persons assaulted the deceased by lathi and iron

rod, as a result of which, during course of treatment he died.

It is submitted on behalf of the petitioner that as per

the FIR, petitioner is alleged to have caught hold of the



deceased and he is not the assailant. Other accused persons are alleged to have assaulted the deceased by lathi and iron rod, causing his death. Moreover, other co-accused persons Punit Choudhary and Budhan Choudhary have already been granted by this Hon'ble Court vide order dated 09.03.2021 passed in Cr. Misc. No. 39714 of 2021. Petitioner is in custody since 14.06.2020 having clean antecedent, as stated in para 3 of the petition.

Considering the facts and circumstances of the case and the fact that petitioner is not the assailant of deceased, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Saharsa in connection with Nauhatta P.S. Case No. 85 of 2020, subject to following conditions:-

(i) The petitioner 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

vinita/-

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