

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6000 of 2021

Arising Out of PS. Case No.-474 Year-2020 Thana- AKBARPUR District- Nawada

1. Ranjit Choudhary Son of Late Mushari Choudhary Resident of Village - Gosai Bigha, P.S.- Akbarpur, District - Nawada.
2. Shankar Choudhary Son of Late Mushari choudhary Resident of Village - Gosai Bigha, P.S.- Akbarpur, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Sheo Kumar Prasad
For the Opposite Party/s :	Mr.Aditya Kr. Singh No.1
	Mr.Giridhar Gopal Tiwari
	Mr.Arvnendra Kumar Thakur

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-04-2021 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in connection with Akbarpur P.S. Case No.474 of 2020 registered for the offence punishable under Sections 302, 34, 341, 323, 307 of the Indian Penal Code.

As per the prosecution case, while informant and his



cousin brother of the informant were coming from motorcycle, they fell down because of a tempo which was driven by the driver rashly. When informant's brother asked about it, then two persons came down from the tempo and hold their collar. On being asked to leave the collar, the said Naga Choudhary started beating him and called his family member by phone. Thereafter other co-accused came armed with lathi, danda, sword and knife and assaulted them. As a result of the said assault, brother of the informant died and then the accused persons fled away.

It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case and have not committed any offence as alleged in the FIR. From the perusal of the FIR, it appears that the specific allegation of assault is against the Naga Choudhary who gave knife blow on the neck and panjra of the brother of the informant. It is a case of free fight between the parties. The petitioners have no criminal antecedent and have been languishing in custody since 10.09.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each



with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Akbarpur P.S. Case No.474 of 2020, subject to the following conditions:

(1) One of the bailors will be their own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioners shall not indulge themselves in any similar offence till conclusion of the trial.

(3) The petitioners shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioners shall co-operate with the investigation, if not already concluded and make themselves available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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