

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7415 of 2021

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

ARJUN CHOUDHARY Son of Lakhan Choudhary Resident of Village -
Gosai Bigha, P.S.- Akbarpur, Dist.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Nazir Ansari. APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 29-06-2021

. In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Akbarpur PS Case No. 474 of 2020 registered under Sections 302, 34, 341, 323 and 307 of the IPC.

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 objected to rash driving, then two persons came down from the tempo and held 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 petitioner that petitioner has been falsely implicated in this case and has 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 has no criminal antecedent and has been languishing in custody since 10.09.2020. It is also submitted that co-accused Ranjit Choudhary and Shankar Choudhary have been enlarged on bail vide Cr. Misc. No. 6000 of 2021.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Nawada in Akbarpur PS Case No. 474 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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