

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11278 of 2021

Arising Out of PS. Case No.-162 Year-2020 Thana- KOILWAR District- Bhojpur

RAJESH CHAUDHARY SON OF LATE LAXMIKANT CHAUDHARY,
Resident of Village - Umerabad, P.S.- Arwal, Dist.- Arwal, at present resident
of village - Pareo, P.S.- Bihta, Dist.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Adv. Mr. Rakesh Kumar, Adv.
For the Opposite Party/s :		Mr. Shiv Prasad Gupta Dr. Mrityunjaya Kr. Gautam

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 27-08-2021 This case has been listed today under the heading “To
Be Mentioned” at the instance of the petitioner’s counsel.

By way of a supplementary affidavit, learned counsel
for the petitioner submits that due to inadvertence the father’s
name of the petitioner has wrongly been typed as “Late Nandu
Chaudhary” in place of “Laxmikant Chaudhary” in the main
petition. He further submits that father’s name of the petitioner
may be corrected/modified in the cause title.

In view of the above, the office is directed to correct
the father’s name of the petitioner in the cause title of the main
petition.



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 Koilwar P.S. Case No. 162 of 2020 registered for offence punishable under section 302/34 of the Indian Penal Code.

While the informant's son was guarding the fields it is alleged that one Rakesh Chaudhary (co accused), and the instant petitioner tried to destroy the crop. On objection by the informant the instant petitioner caught his waist from the back, while co accused Rakesh Chaudhary has inflicted stab injuries. Allegation is that Balram Choudhary was guarding his pump, thereby he was witness to the occurrence.

Learned counsel for the petitioner submits that having no criminal antecedent the petitioner has falsely been



implicated in this case. The falsity of allegation is apparent from the fact that Balram Choudhary has not claimed to have seen the occurrence while he was examined during the course of investigation. The petitioner is in custody since 08.05.2020 and even as per the allegations, stab injuries are not attributed to the petitioner.

Learned APP and learned counsel for the informant have opposed the prayer for bail but submission that Balram Choudhary had not supported the case during investigation and as an witness are not denied having regard to the statement of Balram Choudhary recorded in paragraph 11 of the case diary.

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 1st Chief Judicial Magistrate, Bhojpur at Ara in Koilwar P.S. Case No.162 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 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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