

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3615 of 2022

Arising Out of PS. Case No.-34 Year-2021 Thana- CHOUTARWA District- West Champaran

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Jitendra Chaudhary Son of Suresh Chaudhary Resident of Village - Nawka
Tola Tesrahiya, P.S.- Bathwariya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Choutarwa (Bathwariya) P.S. Case No. 34 of 2021 registered for
the offence under Sections 307, 504 and 34 of the Indian Penal
Code and Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.02.2021.



The allegation against the petitioner is to fire upon the police personnel, while conducting a raid for recovery of kidnapped grandson of the informant, of Yogapatti (Nawalpur) P.S. Case No. 39 of 2021

Learned counsel appearing on behalf of the petitioner submitted that, as there is recovery of only one mobile phone from the possession of the petitioner without any fire arm, therefore, the allegation of firing against the petitioner is not convincing. It is also submitted that criminal antecedent of the petitioner prior to Yogapatti (Nawalpur) P.S. Case No. 39 of 2021 was clean. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that seizure list is suggesting only recovery of one mobile phone from the petitioner.

Considering the facts and circumstances as mentioned above, as allegation of firing against the police personnel, in absence of pistol, *prima facie*, not appearing convincing against this petitioner coupled with the fact that chargesheet has already



been submitted, let the petitioner, above named, is directed to be released on bail in connection with Choutarwa (Bathwariya) P.S. Case No. 34 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Bagaha, West Champaran/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be



Suresh Chaudhary, who is the father of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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