

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9111 of 2022

Arising Out of PS. Case No.-49 Year-2021 Thana- PALIGANJ District- Patna

1. BISHANU KUMAR @ VISHANU CHOUDHARY S/o Dasharat Choudhary Resident of Village- Mahabalipur Paliganj, P.S.- Paliganj, District- Patna.
2. Mithalesh Kumar @ Chhote Lal Choudhary @ Mithilesh Kumar S/o Birendra Choudhary Resident of Village- Mahabalipur Paliganj, P.S.- Paliganj, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-07-2022 Heard learned counsel appearing on behalf of the petitioners 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 petitioners seek bail in connection with Paliganj P.S. Case No. 49 of 2021 registered for the offence under Sections 341, 323, 452, 307, 325, 354, 504 and 34 of the Indian Penal Code.

The accused/petitioners are not named in the F.I.R. and are in custody since 13.09.2021.

The allegation against the petitioners is to assault the informant with intention to cause death along with other co-



accused persons equipped with fire arms, lathi, etc.

Learned counsel appearing on behalf of the petitioners submitted that the allegation of firing is against co-accused, namely, Birbal Chaudhary and the allegation is limited against both the petitioners to assault on hand of the informant/injured without having intention to cause death. It has further been submitted that the petitioners are man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that injury caused due to assault made by petitioners is on non-vital part of injured/informant.

Considering the facts and circumstances as mentioned above, as from allegation and the injury, it cannot be suggest that both the petitioners were under intention to cause death or having knowledge to cause such bodily injury, which may cause death coupled with the fact that charge-sheet has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Paliganj P.S. Case No. 49 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Danapur, Patna, subject to the following conditions:

“(i) Accused/Petitioners 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 petitioners duly supported by the documents.

(ii) That one of the bailors shall be Mala Chaudhary, who is the uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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