

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14807 of 2022

Arising Out of PS. Case No.-15 Year-2021 Thana- BARHARA District- Bhojpur

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MADAN CHAUDHARY Son of Hiralal Chaudhary R/O Village - Kawal
Chhapra, P.S.- Barhara (Sinha O.P.), Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rina Sinha

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 29-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Barhara P.S. (Sinha O.P.) Case No. 15 of 2021 registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code read with Section 27 of the Arms Act.

As per prosecution case, there is accusation against
the petitioner and others that they have concertedly committed
murder of elder brother of the informant.

Learned counsel for the petitioner submits that
petitioner is in custody since 17.01.2022. Petitioner bears no
criminal antecedent. Charge sheet has already been submitted in



the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is innocent and has falsely been implicated in the present case. From perusal of the F.I.R. only one injury was found but it is not clear that who has caused injury rather allegation is general and omnibus in nature. All the witnesses are close relative and hearsay witness. Petitioner is implicated in this case merely on suspicion. Petitioner is co-villager and petitioner has no concern with the co-accused Ravindra Yadav, who earlier threatened to kill the informant's brother. There is no motive attributed to the present petitioner. Similar situated co-accused Ravindra Yadav and Kashi Yadav have already been granted bail vide Cr. Misc. No. 20103 of 2022 and Cr. Misc. No. 64128 of 2021 respectively by co-ordinate bench of this Court and the case of present petitioner stands on better footing in comparison to the co-accused Kashi Yadav as co-accused Kashi Yadav was lastly seen with the deceased.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the



prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhojpur at Ara in connection with Barhara P.S. (Sinha O.P.) Case No. 15 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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