

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15216 of 2022**

Arising Out of PS. Case No.-505 Year-2021 Thana- BHAGWAN BAZAR District- Saran

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Dinesh Chaudhary @ Dalda S/o- Late Sudama Chaudhary R/o Village -
Chhota Brahmpur satgharwa, P.S. - Bhagwan Bazar, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Advocate

For the Opposite Party/s : Ms. Nirmal Kumar Sinha, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 12-07-2022 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 Bhagwan
Bazar P.S. Case No. 505 of 2021 registered for the offence
under Sections 302, 120B and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.10.2021.



The allegation against the petitioner is to commit murder of brother of the informant alongwith other co-accused persons for previous enmities.

Learned counsel appearing on behalf of the petitioner submitted that the claim of the informant, being eye witness of the occurrence is doubtful for the reason that it has not been stated in F.I.R. and also during the course of investigation that, he followed the co-accused, namely, Mallu Chaudhary. It is further submitted that allegation, as regard to assault with knife, is very much general and omnibus against the petitioner, who is a man of clean antecedent. It is submitted that reason for false implication is suspicion, which is based upon the previous occurrence happened two days earlier to this occurrence. 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 the allegation, as regard to assault, is very much general and omnibus against the petitioner, as per F.I.R.

Considering the facts and circumstances as mentioned above, as allegation of assault is very much general and



omnibus against the petitioner, where the version of informant, being an eye witness, is appearing doubtful 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 Bhagwan Bazar P.S. Case No. 505 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- 1st, Saran at Chapra/concerned Court, subject to the following conditions:

“(i) If the petitioner tampers with the evidence or witnesses in any manner, in that event, the Trial Court shall be at liberty to cancel the bail bond of the petitioner.

(ii) 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



Shail Devi, who is the mother of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

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