

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18181 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- DAUDNAGAR District- Aurangabad

Bilash Chaudhary @ Ram Vilas Chaudhary, Son of Late Guni Chaudhari, R/O
Village-,Meva Bigha, (Shamshernagar), P.S.- Daudnagar, District-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Tej Narayan Singh, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Daudnagar P.S. Case No. 167 of 2021 registered for the offences punishable under Sections 147, 149, 342, 323, 307, 504, 324 and 302 of the Indian Penal Code.

As per prosecution case, it is alleged that on 29.03.2021 all the F.I.R. named accused persons including this petitioner having armed with Lathi, Iron rod, Garasa and Bhala came and surrounded the informant's son. It is further alleged



that all the accused persons in furtherance of common intention assaulted her son and when the informant and her husband went to save their son, the accused persons also assaulted them by means of Garasa and Bhala, due to which all the three persons sustained serious injuries. It is further alleged that during the course of treatment, the husband of the informant, namely, Awadhesh Chaudhary, died.

It is submitted by the learned counsel appearing on behalf of the petitioner that prima facie from the allegation it is evident that general and omnibus nature of allegation has been levelled and no specific allegation of any overt act has been attributed against the petitioner. It is further submitted that from perusal of the F.I.R. it is also evident that it is nowhere mentioned as to what weapons were carried by respective accused persons and moreover other co-accused person, having similar allegation, has already been granted bail by learned coordinate Bench of this Court in Cr. Misc. 57228 of 2021 vide order dated 07.04.2022, a copy of which has been produced before this Court and the same is kept on record. It is next submitted that this petitioner is in custody since 25.08.2021 and the investigation of the crime is already completed and the charge-sheet has been submitted.



On the other hand learned APP for the State vehemently opposes the bail application and submits that several injuries have been found over the body of the deceased, which shows that all the accused persons in furtherance of common intention brutally assaulted, which resulted into the death of the deceased.

Having considered the submissions made on behalf of the parties and taking into consideration the general and omnibus nature of allegation against all the accused persons, apart from the fact that co-accused person, having similar allegation, has been granted bail by a learned coordinate Bench of this Court and moreover this petitioner is in custody since 25.08.2021 having fair antecedent, though the investigation of the crime is already completed and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Daudnagar P.S. Case No. 167 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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