

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21384 of 2022

Arising Out of PS. Case No.-277 Year-2021 Thana- PANCHRUKHI District- Siwan

Nandan Chaudhary @ Brjnandan Kumar, S/o Paras Nath Chaudhary @ Paras Chaudhary, R/o village- Gamharia, P.S.- Pachrukhi, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 16-08-2022 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. Ajay Kumar Pandey, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Pachrukhi P.S. Case No. 277 of 2021 registered for the offences punishable under Sections 147, 341, 323, 308, 379, 504, 506 of the Indian Penal Code.

As per prosecution case, it is alleged that while the son of the informant was going for tuition, in the meantime, all the F.I.R. named accused persons including the petitioner assaulted the son of the informant by iron rod, lathi and danda and when the informant came to save him, he was also



assaulted. It is alleged that the accused persons took away the gold chain of the informant's brother.

Learned counsel appearing on behalf of the petitioner submits that there is general and omnibus nature of allegation against all the F.I.R. named accused persons and no specific overt act has been alleged against the petitioner. It is next submitted that the injured Nilesh Ranjan was examined by the doctor and two injuries have been found over his body, out of which one has been found to be simple in nature and second has been found to be grievous. By drawing the attention towards the aforesaid injury report, learned counsel for the petitioner submits that the allegation of the prosecution that he was assaulted by all the seven F.I.R. named accused persons is not corroborated inasmuch as only two injuries have been found. It is further submitted that there is a case and counter case being Complaint Case No. 1610 of 2021 lodged by Ranjan Kuamr Yadav. It is next submitted that with regard to an occurrence, which took place on 23.11.2021, the present F.I.R. has been instituted on 04.12.2021 after a delay of 11 days, without assigning any reason. It is lastly submitted that this petitioner is in custody since 01.03.2022, having fair antecedent.

On the other hand learned APP for the State



vehemently opposes the bail application and submits that in furtherance of the common intention all the accused persons including the petitioner brutally assaulted the son of the informant.

Having regard to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation, apart from the delay in lodging the F.I.R. and other materials available on record as well as fair antecedent of the petitioner, 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 Additional Chief Judicial Magistrate-VI, Siwan in connection with Pachrukhi P.S. Case No. 277 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)

uday/-

U		T	
---	--	---	--

