

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21436 of 2022

Arising Out of PS. Case No.-50 Year-2021 Thana- BHEJA District- Madhubani

Mahendra Chaupal, Son of Late Mohar Chaupal, Resident of Village- Kharik,
P.S.- Bheja, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Pandey, Advocate
		Mr. Ashok Kumar Prasad, Advocate
For the Opposite Party/s	:	Mr. Md. Aslam Ansari, APP
For the Informant	:	Mr. Rajeev Ranjan, Advocate

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. Ranjan Kumar Pandey, learned counsel for the petitioner and Mr. Rajeev Ranjan, learned counsel for the informant as well as learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Bheja P.S. Case No. 50 of 2021 registered for the offences punishable under Sections 341, 323, 324, 354, 302, 379, 504, 506/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on 09.06.2021 at about 4 'o' clock in the evening, all the F.I.R. named accused persons including the petitioner came to the



house of the informant and started abusing and assaulting. It is further alleged that co-accused Sahdeo Chaupal assaulted his father by Dabiya over his head and co-accused Ranjit Chaupal assaulted him by means of lathi over his head. It is further alleged that other accused persons also looted and snatched the valuables.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R., it is evident that general and omnibus allegation has been levelled against all the named accused persons including the petitioner. So far the specific allegation is concerned, the same has been attributed against Sahdeo Chaupal and Ranjit Chaupal. It is next submitted that there is case and counter case being Bheja P.S. case no. 62 of 2021 registered by the petitioner. It is next submitted that, in fact, on account of enmity a free fight took place between both the sides and members of both the sides have received injuries, however, the prosecution has failed to explain the injury sustained by the members of the petitioner's side. It is lastly submitted that the petitioner is in custody since 10.07.2021, having fair antecedent, apart from the fact that one of the co-accused, namely, Ranjit Chaupal, has been granted bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 7506 of



2022 vide order dated 03.08.2022 with an observation to release the petitioner (Ranjit Chaupal) after framing of charge.

On the other hand, learned counsel appearing on behalf of the informant vehemently opposes the bail application and submits that all the accused persons including the petitioner in furtherance of common intention brutally assaulted the father of the informant, who succumbed to the injuries.

Learned APP for the State also opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation against the petitioner, apart from the counter version of the case as also the period of custody, 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-I, Jhanjharpur in connection with Bheja P.S. Case No. 50 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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