

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31020 of 2021

Arising Out of PS. Case No.-11 Year-2016 Thana- KHARIK District- Bhagalpur

SHUBHANKAR CHOUDHARY S/o Late Sukho Choudhary Resident of
Telghi, P.S.- Kharik, District- Bhagalpur, at present near Budhanath Mandir,
P.S.- Jogsar, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-06-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case

registered for the offences punishable under Sections

147,149,341,323,324,307,504 of IPC.

Allegation alleged in the FIR is that on 22.01.2016

at 1.30 P.M., informant was in her house, in the meanwhile

her shareholder namely Mritunjay Choudhary, Shubhankar

Choudhary, Awadhesh Choudhary, Mithlesh Choudhary,

Rajnish Choudhary, Rekha Devi, Anu Devi and Sweety Devi



all of them armed with Paina, Kulhari and Brick entered into her house and assaulted her daughter Anu Devi, Neha Kumari, Jhuna Devi and further alleged that Shubhankar Choudhary assaulted by Kulhari to Anu Devi, in the result she received head injury and further alleged that informant and her daughter Neha received injury and accused persons also abused.

Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that the police, after investigation, submitted final form in favour of the petitioner and learned court below has taken cognizance against the petitioner under Section 308 and other allied Sections of the IPC. Learned counsel for the petitioner further submits that in fact the petitioner was on bail under Section 41(1) (A) of IPC and after taking cognizance against the petitioner, the petitioner is actually apprehending his arrest.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days



from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Kharik P.S. Case No. 11 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned



order shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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