

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32975 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- ARA MUFFSIL District- Bhojpur

1. FAGU CHAUDHARY
2. Tufan Chaudhary
Both Sons of Late Kabadi Chaudhary Resident of Village- Sarangpur (Bind Toli), Post- Sanadiya, P.S.- Ara Muffasil, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Maya Shankar Mishra, Adv

For the Opposite Party/s : Mr.Ram Naresh Ray, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-02-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State in virtual Court proceeding.

The petitioners seek bail in connection with Ara Muffasil P.S.Case No. 28 of 2021 registered for the offence under Sections 147,148,323,337,302 of the Indian Penal Code.

The prosecution case, in short, is that Lambu Chaudhary, Ranjan Chaudhary, Toofan Chaudhary (Petitioner No.2), Fagu Chaudhary (petitioner No.2), wife of Bachhadu Chaudhary having Jhama and brick assaulted the brother of the informant. When the informant went to save his brother, they were also assaulted the informant by means of bricks and stones. Both of the informant was brought to Sadar Hospital where he was referred to Patna and on way to Patna he succumbed to injury.



Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that as per FIR Bachhadu Choudhary assaulted with rod on the head of brother of the informant and co-accused namely, Shravan Choudhary, Harihar Choudhary and Musafir Choudhary assaulted with stones and bricks on his chest and ear. He further submits that as per FIR allegation against the petitioners is that they have assaulted the informant and his brother. He further submits that it appears from the FIR that due to land dispute, the present FIR has been instituted. He further submits that the present case is a counter blast of Ara Muffasil P.S.Case No.30 of 2021 filed by the petitioner No.2 against the informant and his family members. Petitioner No.1 is in custody since 02.02.2021 and petitioner No.2 is in custody since 31.01.2021.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners on the ground that there is specific allegation of assault against the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of



learned Additional Chief Judicial Magistrate-VII, Bhojpur, Ara
in connection with Ara Muffasil P.S.Case No. 28 of 2021 with
the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient
reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at
any stage, it is found that the petitioners have concealed their
criminal antecedents, the court below shall take step for
cancellation of bail bond of the petitioners. 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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