

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26194 of 2022

Arising Out of PS. Case No.-201 Year-2021 Thana- SHEKHPURA District- Sheikhpura

DINESH CHAUDAHRY S/O PUNIT CHAUDHARY R/o village- Lokhnu
Bihga, P.S.- Asthawan, District- Nalada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Ban Bihari Singh, Advocate.

For the Opposite Party/s : Mr. Harendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 04-08-2022 Today this case has been listed on the motion slip
filed by the learned counsel for the petitioner.

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

Heard Mr. Pramod Ban Bihari Singh, learned counsel
for the petitioner as well as learned Additional Public Prosecutor
for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Sheikhpura (Hathiyawan O.P.) P. S. Case
No. 201 of 2021 registered for the offences punishable under
Sections 147, 148, 149, 341, 323, 324, 307, 504 and 506 of the
Indian Penal Code.

As per the prosecution case, it is alleged that on
29.03.2022 while the informant was in his house, in the



meantime, the F.I.R. named accused persons came with variously armed with Iron Road, *Khanti*, *Lathi* and *Danda*, started assaulting him. It is further alleged that the accused, Shashi Bhushan Chaudhary assaulted him by *Khanti* over his head and co-accused Chhotelal Chaudhary assaulted him by Iron Rod. There is general and omnibus allegation against all the accused persons. It is further alleged that while the informant and his family members wherein hospital for their treatment, in the meantime, the petitioner along with Pahlad Chaudhary and other 8 to 10 unknown persons came there and assaulted them with knife, *lathi* and other weapons causing injuries to them.

Learned counsel appearing on behalf of the petitioner submitted that from the F.I.R., it is evident that the specific allegation of assault has been levelled against co-accused Shashi Bhushan Chaudhary and Chhotelal Chaudhary and so far the other accused persons including the petitioner are concerned, there is general and omnibus allegation. It is further submitted that the occurrence is said to have taken place on 29.03.2021 whereas the present F.I.R. has been registered on 13.04.2021 and no explanation of such delay has been given. It is next submitted that so far the injuries sustained to the informant is concerned, the same is grievous in nature, however,



other injuries, which is said to have been sustained to the sons and wife of the informant, they are found to be simple in nature. It is also submitted that co-accused Pahlad Chaudhary, who is having identical allegation has been granted anticipatory bail along with other co-accused persons in Cr. Misc. No. 68613 of 2021 vide order dated 05.07.2022. It is lastly submitted that this petitioner is a man of fair antecedent and he is in custody since 21.03.2022.

On the other hand, learned APP for the State opposes the bail application and submits that all the accused persons in furtherance of common intention have brutally assaulted the informant and his family members.

Having considered the submissions made on behalf of the parties and taking into account the general and omnibus nature of allegation, apart from the fact that the co-accused persons having identical allegation has been granted bail by learned co-ordinate Bench of this Hon'ble Court and moreover, the investigation of the crime is already completed and the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Sheikhpura in connection with Sheikhpura (Hathiyawan O.P.) P. S. Case No. 201 of 2021, subject to the condition that one of the bailors will be the close relative 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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