

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26074 of 2022

Arising Out of PS. Case No.-5 Year-2021 Thana- NAWADA District- Nawada

Billu Choudhary @ Ashok Kumar Choudhary Son Of Rajo Choudhary R/O-
Mohalla-Postmortem Road, P.S.- Nawada Town, District- Nawada

... .. Petitioner/S

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, App

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Nawada (Town) P.S. Case No. 5 of 2021 lodged under Sections
341, 342, 323, 385, 307/34 of the Indian Penal Code.

As per the prosecution case, petitioner and others had
demanded Rs. 50,000/- as *Rangdari* on 30.12.2020. On the next
day, informant was stopped by 15-20 boys, then petitioner and
others were instigated to assault the informant upon which all
assaulted him brutally. Allegation upon the petitioner is to
assault by iron rod on the head and lips of the informant.

Learned counsel for the petitioner submits that present



case is a false case and the entire F.I.R has been narrated in a different way. He submits that the informant, petitioner and others are well known to each other, they have gathered to arrange the new year party where dispute on petty issues took place which resulted into the injury of the petitioner and others. He further submits that the said occurrence is alleged to take place on two occasions i.e. on 30.12.2020 and on 31.12.2020. But present F.I.R has been lodged on 02.01.2021 i.e. after lapse of about two days but cause of delay has not been explained in the F.I.R. Learned counsel for the petitioner further submits that from the rejection order of the bail application, it transpires that only 3 injuries were found on informant, out of three, two were simple in nature and for one injury, opinion was reserved. He further submits that petitioner is in custody since 04.09.2021, chargesheet has already been filed in this case. On the point of criminal antecedent in ten cases, he submits that in all the ten cases, he is on bail and he is ready to fulfill all the conditions whatsoever it may be imposed upon the petitioner by the court.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be



granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nawada (Town) P.S. Case No. 5 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

Speedy trial is the Constitutional vision of justice, here in the present case, there are in total 11 cases pending against the present petitioner, all belongs to same Police Station



under Nawada district. Therefore, this court has directed to District and Sessions Judge Nawada to do all the needful so that all the 11 cases arising from the same P.S. shall run before same Magistrate/ Sessions Judge with same date.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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