

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36370 of 2021

Arising Out of PS. Case No.-507 Year-2020 Thana- PHULWARISHARIF District- Patna

DIPAK CHAUDHARY Son of Late Mukhdeo Chaudhary Resident of Village
- Mubarakpur, Bhusaula, Danapur, P.S.- Phulwarisharif, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar, Adv

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-02-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Phulwari Sharif P.S.Case No.507 of 2020 registered for the offence under Sections 302,120(b)/34 of the Indian Penal Code and Section 27 of Arms Act.

The prosecution case, in short, is that the husband of the informant was a 4th grade employee in Primary Health Centre, Saurampur, P.S.-Janipur, Patna. On 18.09.2020 he was returning from hospital and in that course some unknown criminals followed him and shot him dead.

Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. He has falsely been implicated in the present case only on the basis of suspicion. He



further submits that during investigation nothing has come against the petitioner. He further submits that the name of the petitioner has transpired only on the basis of re-statement of the informant. He further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 04.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts and period of custody, let the petitioner, above named, 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 Additional Chief Judicial Magistrate-IX, Patna in connection with Phulwari Sharif P.S. Case No.507 of 2020 with the 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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