

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29734 of 2022

Arising Out of PS. Case No.-102 Year-2020 Thana- THAKRAHA District- West Champaran

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BABLOO CHAUDHARY S/o Dhoda Mallah Resident of Village- Thakraha,
P.S.- Thakraha, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Thakraha P.S. Case No. 102 of 2020 registered for the offences
punishable under Sections 341, 323, 324, 307, 447, 34 of the
Indian Penal Code.

As per prosecution case, there is accusation against
the petitioner to assault the son of the informant by means of
handle of hand-pump as a result of which he sustained injury
and fell down.

Learned counsel for the petitioner submits that
petitioner is in custody since 08.04.2022. Petitioner bears no



criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner and informant are devar and bhabhi and injured person is the nephew of the petitioner. Petitioner and others have assembled with respect to prearrangement regarding function of Shradha of mother of the petitioner and within the spur of moment the occurrence took place. Learned counsel further submits that major section is Section 307 of the I.P.C. which is not applicable in the present case as there is no repetition of blow on the vital part of the body.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties, and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri P.K. Sharma, learned Judicial



Magistrate, 1st Class, Bagaha, West Champaran in connection with Thakraha P.S. Case No. 102 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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