

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31707 of 2022

Arising Out of PS. Case No.-22 Year-2021 Thana- NARDIGANJ District- Nawada

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BALMUKUND CHAUHAN S/o Bharat Chauhan Resident of Village-
Tarauni, Police Station- Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-08-2022 Heard learned counsel for the petitioner and learned
counsel for the informant as well as the learned A.P.P. for the
State.

The petitioner seeks bail in a case registered for the
offence under Sections 147, 148, 149, 341, 323, 307, 302, 504
and 506 of the Indian Penal Code.

As per prosecution case, the father of the informant
has been assaulted by the petitioner and his companions.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that it
appears from the F.I.R. that no specific allegation of assault or
any overt act committed by the petitioner rather general and
omnibus allegation is attributed to him. He further submits that



at best, it can be said that the petitioner happens to be a member of unlawful assembly as he is non-assailant. Moreover, the co-accused, namely, Subodh Kumar @ Subodh Chauhan along with Ajay Kumar @ Ajay Chauhan and Mshri Chauhan along with Balmukund Chauhan, having more or less similar allegation, have already been granted bail by a co-ordinate Benches of this Court vide order dated 21.06.2022 and 04.07.2022 passed in Cr. Misc. No. 39539 of 2021 and Cr. Misc. No. 57893 of 2021, respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 18.01.2022.

Learned counsel for the informant and learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Court below where the case is pending in connection with Nardiganj P.S. Case No. 22 of 2021 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 canceled 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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