

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35222 of 2022

Arising Out of PS. Case No.-27 Year-2021 Thana- DEO District- Aurangabad

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MANOJ CHAUDHARY @ MANOJ KUMAR CHAUDHARY SON OF
BHOLA CHUADHARY Resident of Village- Nakti, P.S.- Deo, District-
Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Leelawati Kumari, Adv.

For the Opposite Party/s : Mr.APP.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-08-2022 The present matter has been listed under the heading
“To Be Mentioned” on the basis of mention slip filed on behalf
of the petitioner on the ground that wife of petitioner is pregnant
and last month of her pregnancy is going on and there is no
male member present in the house.

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 Deo



P.S. Case No. 27 of 2021 initially registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379, 447, 504, 506 of the Indian Penal Code and later on, Section 302 of the IPC was added.

As per prosecution case, petitioner along with others armed with tangi, bhala, rod and danda came and assaulted the informant and his family members, due to which they sustained injuries. In the said occurrence, Ravindra Choudhary sustained head injury and died during the course of treatment. There is also allegation against the petitioner to have snatched mobile of the informant.

Learned counsel for the petitioner submits that petitioner is in custody since 29.04.2022 and bears no criminal antecedent. There is no specific allegation of assault attributed to the petitioner. Allegation is of general and omnibus in nature. He further submits that there is land dispute between the parties. Co-accused Bhola Chaudhary and Saroj Chaudhary have already been granted bail by the Co-ordinate Bench of this court vide Cr. Misc. Nos. 47955 of 2021 and 46629 of 2021 respectively and the case of present petitioner stands more or less on similar footing. Charge sheet has been submitted in the case and there is no likelihood of tampering with the



prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, nature of allegation, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad (Bihar) in connection with Deo P.S. Case No. 27 of 2021, 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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