

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46629 of 2021

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

Saroj Chaudhary S/O Bhola Chaudhary R/O Village-Nakti, P.S-Deo, District-
Aurangabad (BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Leelawati Kumari. Adv

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with Deo P.S.Case No.27 of 2021, registered for the offence under Sections 147,148,149,341,323,324,325,307,379,447,504,506 of IPC and later on Section 302 of IPC was added.

As per the prosecution case, this petitioner along with other accused persons armed with Tangi, Bhala, rod and Danda came and assaulted the informant and his family members, due to which they sustained injuries. Ravindra Choudhary sustained head injury and died during the course of treatment.



Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons. There is no specific allegation against the petitioner to assault anyone. He further submits that in fact the informant and petitioner are Gotias and due to some dispute the present FIR has been instituted. He further submits that co-accused, namely, Ranju Devi & Ors have been granted privilege of anticipatory bail vide order dated 15.11.2021 in Cr. Misc. No.44685 of 2021 and co-accused, namely, Bhola Chaudhary has been granted bail vide order dated 20.01.2022 in Cr. Misc. No.47955 of 2021 by different Coordinate Benches of this Hon'ble Court and the petitioner is in custody since 09.04.2021.

Learned counsel for the informant and the learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner. Learned counsel for the informant submits that during investigation it has come that petitioner has assaulted the deceased (Rabindra Chaudhary). He further submits that the trial is going on. He further submits that out of 11 witnesses, 03 have been examined.



On the other hand, learned counsel for the petitioner submits that there is no chance of early conclusion of the trial in near future.

Considering the facts and circumstances of the case, 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 Chief Judicial Magistrate, Aurangabad in connection with Deo P.S.Case No.27 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 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)

Nitesh/-

U		T	
---	--	---	--

