

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40045 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- ANTI District- Gaya

Sandeep Chaudhary @ Sandeep Kumar Chaudhary, Son of Keshar Chaudhary
Resident of Village - Kalyanpur, PS.- Aati, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Veer, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-10-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Aanti P.S. Case No.8 of 2022 instituted under Sections 147,
148, 149, 342, 325, 307, 448, 379 of the Indian Penal Code.

As per the prosecution story, fifteen named accused
persons armed variously assaulted the informant's side and
further allegation is that they committed theft of five lacs which
included ornaments of two lacs and cash of rupees three lacs.

Learned counsel for the petitioner submits that for the
said case, both sides have lodged FIR. While the informant's
FIR is Aati P.S. Case No.08 of 2022, from the petitioner's side it
is Aati P.S. Case No.09 of 2022. It is his further submission that



a bare perusal of FIR shows that the petitioner was carrying 'Fasuli' in his hand whereas the injury report (Annexure-2) of Buneshwar Yadav shows that injuries though are grievous in nature, the same has been caused by hard blunt substance.

Per contra, learned APP submits that allegation against the accused persons including the petitioner is of assaulting the informant's side and one of the informant's side sustained grievous injury and as such he does not deserve bail.

Taking into account the fact that the petitioner has been alleged to have '*Fasuli*' in his hand, whereas the injury report shows that the same has been caused by hard and blunt substance, he is in jail since 23.02.2022, charge-sheet stands submitted and he do not have any criminal antecedent, this Court is inclined to grant him privilege of bail. If, however it is found that he do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Aanti P.S. Case No.8 of 2022 to the satisfaction of learned Judicial Magistrate, Ist Class, Gaya, subject to following conditions:

- (i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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