

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49636 of 2021

Arising Out of PS. Case No.-74 Year-2020 Thana- CHANDRADIP District- Jamui

ROHIT CHOUDHARY S/o Late Banaras Chaudhary R/o Village- Chhatiyani,
P.S.- Chandradeep, Dist- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 49714 of 2021

Arising Out of PS. Case No.-74 Year-2020 Thana- CHANDRADIP District- Jamui

1. MAKESHWAR CHAUDHARY S/o Banaras Chaudhary Resident of Village Chhatiyoni, P.S. Chandradeep, Dist. - Jamui.
2. Sobha Devi W/O Makeswar Chaudhary Resident of Village Chhatiyoni, P.S. Chandradeep, Dist. - Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 49636 of 2021)

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 49714 of 2021)

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-03-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioners seek bail in a case registered for

the offence under Sections 147, 148, 149, 341, 323, 504, 506,

307, 354, 324, 325 and 302 of the Indian Penal Code.



The husband of the informant is said to have been assaulted by petitioner No.1 who is said to have given a clavicle blow on his head and on the protest made by her mother and daughter, they have also been brutally assaulted by the petitioners resutantly, the husband of the informant and mother-in-law of the informant died during course of treatment.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that it appears from the F.I.R. that the allegation of assault is attributed to the co-accused, Makeshwar Chauhary, petitioner herein, who is said to have given blow on the head of the deceased but so far as other petitioners in theses cases are concern, there are general and omnibus allegation and no specific allegation of assault is attributed to them. He further submits that both the parties hare having litigating terms and the petitioner, Markeshwar Chaudhary has also loaded a case being Chandradeep P.S. Case No. 107 of 2017 against the deceased Nagina chaudhary and for that reason this petitioner has been made accused in this case with bald allegation of giving



blow on the head of the informant. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 03.04.2021.

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, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Chandradeep P.S. Case No. 74 of 2020 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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