

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50236 of 2021**

Arising Out of PS. Case No.-28 Year-2021 Thana- ARA MUFFSIL District- Bhojpur

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MUSAFIR CHAUDHARY S/o LALAN CHAUDHARY R/o VILLAGE-
SARANGPUR, P.S-ARA MUFASSIL, DISTRICT- BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-03-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 147, 148, 323, 337 and 302 of the
Indian Penal Code.

The brother of the informant is said to have been
killed by the F.I.R. named accused persons.

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 as per the F.I.R., co-accused, Bachhadu
Chaudhary has assaulted on the head of the victim by iron
rod as a result of which the victim died and this petitioner is



said to have assaulted the victim with stones and bricks on his chest and ear but the petitioner has not inflicted any grivious injury to the victim. He further submits that the similarly situated co-accused, Fagu Chaudhary and Tufan Choudhary have been granted bail by this Court vide order dated 15.02.2022 passed in Cr. Misc. No. 32975 of 2021. The petitioner is rotting in judicial custody since 23.02.2021.

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, 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 Ara Muffasil P.S. Case No. 28 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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