

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42112 of 2022

Arising Out of PS. Case No.-108 Year-2022 Thana- BALIYA District- Begusarai

RAJESH CHOUDHARY S/o Late Ramvilash Choudhary Resident of village
- Bhagatpur, Police Station- Ballia, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-08-2022 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 Ballia
P.S. Case No. 108 of 2022 registered for the offences punishable
under Sections 147, 148, 149, 341, 323, 384, 307, 324, 379 of
the Indian Penal Code.

As per prosecution case, the accusation against the
petitioner is that he assaulted the informant on his right hand
finger by means of butt of pistol.

Learned counsel for the petitioner submits that
petitioner is in custody since 25.04.2022 and bears criminal
antecedent of one case in which he is on bail. Charge sheet has



been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is case and counter case between the parties. Petitioner has falsely been implicated in this case by the informant due to previous enmity and dirty village politics. So far as allegation of demand of extortion is concerned, the same is ornamental to make the case serious in nature. He further submits that except the allegation of assault by butt of pistol on right hand finger of informant, there is no any specific overt-act against the petitioner.

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, 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, Begusarai in connection with Ballia P.S. Case No. 108 of 2022, 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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