

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55731 of 2021

Arising Out of PS. Case No.-45 Year-2021 Thana- MOTIPUR District- Muzaffarpur

PAPPU KUMAR @ PRINCE CHAUDHARY, SON OF HARI NARAYAN
CHOUDHARY Residento of Villege - Motipur, Ward No.9, P.s.- Motipur,
Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 15-06-2022 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail, apprehending his arrest,
in connection with Motipur P. S. Case No. 45 of 2021,
registered for the offences punishable under Sections 341,
323, 324, 379, 307, 504 and 34 of the Indian Penal Code.

Prosecution story in brief is that the petitioner and
his two sons have assaulted the informant and also snatched
a golden chain and a cash of Rs. 20,000/-. It is also alleged
that when the said action was protested by one Madresh
Sahni, he was also assaulted by the petitioner and his sons
by means of an iron rod, causing injury in his leg.



The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. The injury suffered by the victim is simple in nature. He has further submitted that the alleged occurrence took place on 06.02.2021 and the F.I.R. was instituted on 09.02.2021 that too without assigning any reason. The learned counsel for the petitioner has further submitted that during the course of investigation almost all the witnesses including the wife and brother of the informant has stated that the victim himself fell down due to rough ground and received strain.

It is also stated in paragraph no. 2 of the petition that no similar petition has been earlier filed by the petitioner either before this Court or before the Hon'ble Apex Court.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

Considering the afore-stated facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender



before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. A.C.J.M. 2 (West), Muzaffarpur, in connection with Motipur P. S. Case No. 45 of 2021, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to



remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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