

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46631 of 2022

Arising Out of PS. Case No.-63 Year-2022 Thana- ASHTHAWAN District- Nalanda

SHIWALAK CHAUDHARY Son of Late Mahavir Chaudhary Resident of
Village - Akbarpur, P.s.- Asthawan, Distt.- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Satya Prakash,Adv.
For the State	:	Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-12-2022 At the outset, the learned counsel for the petitioner has submitted that on account of typographical error, the FIR number has been depicted as Asthawan P.S. Case No. 66/2022, in the prayer portion, instead of Asthawan P.S. Case No. 63/2022. Accordingly, it is directed that the FIR number mentioned in the prayer portion of the present petition be read as Asthawan P.S. Case No. 63/2022.

Heard the learned counsel for the petitioner and the learned APP for the State, Ms. Anita Kumari Singh.

The petitioner seeks regular bail in connection with Asthawan P.S. Case No. 63 of 2022, registered for the offence punishable under



Sections 341, 323, 307, 354, 504, 506 and 379/34 of the Indian Penal Code.

The allegation is regarding the co-accused persons having had an altercation with the informant at her shop on the alleged date and time of occurrence on account of them insisting for supply of eggs on credit, which was refused by the informant, whereafter the other accused persons including the petitioner herein had arrived there, variously armed and all the accused persons had assaulted the husband of the informant and others.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 2.4.2022. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in four other cases, but he is on bail in all the said cases. It is further submitted that a general and omnibus allegation has been levelled against the petitioner and there is no allegation of



the petitioner having engaged in any sort of specific overt act. It is also submitted that the present case arises out of case and counter case. Nonetheless, it is submitted that the petitioner is ready and willing to abide by such conditions as may be deemed fit and proper to be imposed for the purposes of grant of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against all the accused persons and the injuries, sustained by the injured persons, are not life threatening, though I deem it fit and proper to direct for release of the petitioner on bail, however, subject to certain conditions.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail



bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Nalanda at Biharsharif in connection with Asthawan P.S. Case No. 63 of 2022.

It is further directed that the petitioner would mark his attendance before the Officer-in-Charge of the concerned police station on each Monday of the week at 10:30 am. and in the event of two consecutive defaults, the present privilege of regular bail, being granted to the petitioner herein, shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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