

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56293 of 2021

Arising Out of PS. Case No.-111 Year-2019 Thana- SHAMBHUGANJ District- Banka

KAILASH CHOUDHARY Son of Ajab Lal Choudhary Resident of Village -
Bhumihara, P.S.- Shambhuganj, District - Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kavita Devi Wife of Kailash Choudhary Daughter of Amit Choudhary,
Resident of Village - Dauna, P.O.- Lakra, P.S.- Rajaun, District - Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar, Advocate

For the Opposite Party/s : Ms.Renuka Ratnakar, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 29-03-2022

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 341, 323, 325, 498(A),
504/34 of the Indian Penal Code.

Allegation against the FIR named accused including
the petitioner is to have assaulted the informant, Kavita Devi,
with lathi causing fracture injury on her left hand and swelling
injury on her head.

It has been submitted on behalf of the petitioner that
he is innocent and has falsely been implicated in this case.
Allegation of assault is false and baseless. FIR is vague and no
specific date and time of cruelty is mentioned. It is further

submitted that informant has three children from this petitioner and two children from Choukidar Sharan Deo Paswan and since three years back, the informant has no relation with her husband as she has not been residing with petitioner. The petitioner has also filed a complaint case bearing complaint Case No.696 of 2019 and later on, the instant case has been lodged at the instance of the Sharan Deo Paswan on 04.06.2019. petitioner is in custody since 07.07.2021.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Shambhuganj P.S. Case No. 111/2019 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the

evidence or the witnesses of the case, in that case,
prosecution will be at liberty to move for cancellation of
bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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