

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57362 of 2021

Arising Out of PS. Case No.-410 Year-2019 Thana- BARACHATTI District- Gaya

Krishna Chaudhary @ Krishna Chaudhari S/O Late Bifan Chaudhary @
Biphan Chaudhari R/o village- Bardag, P.S.- Mohanpur, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Yogesh Chandra Verma, Sr. Adv.
For the Opposite Party/s :	Mr. Ramchandra Sahni, APP
For the Informant	Mr. Baxsi S.R.P Sinha, Sr. Adv

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 17-05-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Yogesh Chandra Verma, learned senior
counsel for the petitioner and Mr. Baxsi S.R.P Sinha learned
senior counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Barachatty P.S.Case No. 410 of 2019 for the offences
punishable under Sections 147, 149, 341, 323, 447, 307, 379,
504, 506, 302 of the Indian Penal Code.

As per the prosecution case, on 02.09.2019 at about
9.30 pm all FIR named accused persons including the petitioner
came to the house of the informant armed with lathi and iron



rod assaulted the husband of the informant. On protest by the husband of the informant, co-accused Manoj Chaudhary gave khanti blow on his head and other accused persons gave lathi and iron rod blow due to which he sustained serious injury and he was taken to M.M.C Hospital, Gaya. However, later on, he succumbed to injury.

It is submitted by the learned senior counsel for the petitioner that there is specific allegation against co-accused Manoj Chaudhary, who has allegedly gave khanti blow over the head of the deceased. So far as other accused persons, including this petitioner, are concerned, there are general and omnibus allegation against them. The learned senior counsel further drew the attention of this Court towards the post mortem report as contained in Annexure-2 to this petition disclosing the cause of death as “cardio cerebral damage and its complication resulting from head injury caused by hard and blunt substance.” It is further submitted that post mortem report corroborate that injury inflicted on the head of the deceased was the result of his death and the deceased has not received any other external injury. It is lastly submitted that this petitioner having clean antecedent and is in custody since 12.03.2021 and moreover, female co-accused persons have already been granted



anticipatory bail by co-ordinate Bench of this Court.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that this petitioner along with other accused persons had approached before this Court for grant of anticipatory bail and so far as this petitioner is concerned, his prayer was earlier rejected on 27.01.2021 and since then he remained absconded. He further submitted that there is allegation against this petitioner that he assaulted the deceased in furtherance of common intention shared by all the accused persons.

Having heard the rival contentions of the parties and taking into consideration the fact that, there is specific allegation of Khnati blow, which resultant into the death of the deceased is attributed to co-accused Manoj Chaudhary and so far as other accused persons, including this petitioner, are concerned, there is general and omnibus allegation and moreover, this petitioner is in custody since 12.03.2021 having no criminal antecedent, apart from the fact that the investigation has already been completed and there is no chance of tempering with the evidence and intimidating the witnesses, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with



two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghatti , Gaya in connection with Barachatty P.S.Case No. 410 of 2019, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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