

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58569 of 2021

Arising Out of PS. Case No.-620 Year-2020 Thana- KAHALGAON District- Bhagalpur

VINAY CHAUDHARY @ VINAY NATH CHAUDHARY S/o Late
Chaturbhuj Chaudhary R/o village- Ghogha Bazar, P.S.- Khalgaon (Ghogha),
Distt.- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-02-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with
Kahalgaon (Ghogha) P.S. Case No. 620 of 2020/ G.R. No. 3884
of 2020 registered for the offence under Sections 302/34 of
the Indian Penal Code and Section 27 of the Arms Act.

The father of the informant is said to have been
killed by the F.I.R. named accused persons including the
petitioner.

Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that according to the F.I.R., no specific allegation of assault or firing is attributed to the petitioner rather the specific allegation of firing is attributed to the co-accused, Ravi Chaudhary, as a result of which the father of the informant sustained gunshot injury and died during course of treatment. The petitioner is only said to be in association of the co-accused, Ravi Chaudhary but there is no eye witness to the alleged occurrence. The petitioner is rotting in judicial custody since 07.07.2021

Learned A.P.P. for the State has, vehemently, opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the nature of allegation leveled against the petitioner, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 620 of 2020/G.R. No. 3884 of 2020 with the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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