

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58572 of 2021

Arising Out of PS. Case No.-276 Year-2021 Thana- KHAGARIA District- Khagaria

Sanatan Choudhary @ Sanat Choudhary, Son of Mahesh Choudhary, Resident of Village- Rahimpur P.O.- Rahimpur, P.S.- Mufasil Khagaria, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kalyan Shankar, Advocate
For the Opposite Party/s	:	Mrs. Dr. Indivar Kumari, APP
For the Informant	:	Mr. Ranjeet Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 27-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Kalyan Shankar, learned counsel for the petitioner, Mr. Ranjeet Kumar Singh, learned counsel for the informant and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Khagaria (Muffasil) P.S. Case No. 276 of 2021 registered for the offences punishable under Sections 341, 302, 307/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on 28.03.2021, at about 4.00 P.M., while the informant was harvesting wheat with her husband and others, in the meantime,



all the accused persons, 10 in numbers and five unknown variously armed came there and starting pulling away her husband whereupon Prakash Rai tried to save him, but the co-accused Raushan Kumar Chaudhary assaulted him by the Butt of his rifle and Jitendra Chaudhary, Amit Chaudhary and Chotelal Chaudhary started indiscriminate firing from his rifle and other accused persons, namely, Mahesh Chaudhary, Madhu Chaudhary, Ranjay Chaudhary and the petitioner Sanatan Chaudhary assaulted her husband by Lathi, Danda, Iron rod etc. It is further alleged that on the dictate of co-accused Niranjana Chaudhary, Anil Chaudhary ran the tractor over her husband, due to which he died.

Learned counsel appearing on behalf of the petitioner submits that there is no specific allegation against the petitioner, rather omnibus allegation has been levelled against various co-accused persons that they assaulted the husband of the informant by means of Lathi, Danda, Iron rod etc., however, from the post-mortem report it suggests that only two injuries have been found over the body of the deceased. It is next submitted that the thrust of the allegation is against co-accused Anil Chaudhary, who has allegedly with an intention ran the tractor over the husband of the informant. He also submits that



during the course of investigation co-accused Niranjana Chaudhary has not been sent up for trial, however, learned counsel for the informant submits that the same has not been accepted by the court below till date. It is lastly submitted that other co-accused persons, namely, Jitendra Chaudhary and Amit Chaudhary, have already been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 51108 of 2021 vide order dated 09.03.2022 and thereafter one Madhu Chaudhary has also been granted bail by the another learned coordinate Bench of this Court in Cr. Misc. No. 55691 of 2021 vide order dated 31.03.2022 and so far the petitioner is concerned, identical allegation has been levelled and he is in custody since 12.06.2021. It is also submitted that there are several cases pending between both the parties and in this background this case has been instituted.

On the other hand learned counsel for the informant vehemently opposes the bail application and submits that the petitioner has multiple criminal antecedent and in fact he is terror of the locality and his release would cause delay in trial and intimidating the witnesses.

Learned APP for the State also opposes the bail application and submits that specific allegation has been



levelled against the petitioner that he also assaulted the deceased.

Regard being had to the submissions made on behalf of the parties and considering the fact that other co-accused persons, having identical allegation, have already been granted bail by the learned coordinate Benches of this Court and so far the petitioner is concerned, there is omnibus allegation of assault along with other co-accused by means of Lathi, Danda and Iron rod etc. and now he is in custody for more than fifteen months, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 276 of 2021, 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 physically 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.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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