

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58885 of 2021**

Arising Out of PS. Case No.-214 Year-2018 Thana- DEHRI TOWN District- Rohtas

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AJAY CHAUDHARY @ AJAY KUMAR CHAUDHARY Son of Ram Nath
Chaudhary Resident of Village- Balgovind Bigha, P.S.- Dehri (Town),
District- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Leelawati Kumari

For the Opposite Party/s : Mr.Lalan Kumar

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 21-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Dehri
(Town) P.S. Case No. 214 of 2018 registered for the offences
punishable under Sections 147, 148, 149, 307, 302, 120(B) of
the Indian Penal Code.

As per prosecution case, it is alleged that petitioner



and others went to the house of the informant and told to go to work at Baalu Ghat. On the proposal of the accused persons, informant and others went to work at Baalu Ghat and when they reached there, they saw that 30-40 persons were assembled there having armed with sword, farsa and lathi. Seeing this situation, the informant and other persons fled away to save their life but the accused persons instigated their associates to kill them but the informant and others fled away from there but informant's nephew was kidnapped with intention to kill. His dead body was found on 05.03.2018 in Sone River.

Learned counsel for the petitioner submits that petitioner is in custody since 30.07.2021 and bears no criminal antecedent. He further submits that co-accused Sh. Ranjan Choudhary has been granted anticipatory bail by the co-ordinate Bench of this court vide Cr. Misc. No. 41353 of 2018 and the case of present petitioner stands on similar footing. Petitioner is alleged to be member of unlawful assembly. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that there is no eye witness of the alleged occurrence and the witnesses appearing in para 242, 243, 244 and 245 of the case diary have not taken the name of the petitioner regarding his presence in the alleged



occurrence. The alleged occurrence took place on 03.03.2018 and FIR was lodged on 05.03.2018 after delay of two days and no satisfactory explanation has been given by the informant.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record and co-accused on similar footing has already been granted anticipatory bail, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Dehri, Rohtas at Sasaram in connection with Dehri (Town) P.S. Case No. 214 of 2018, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.



(iii) 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.

(Alok Kumar Pandey, J)

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