

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63223 of 2021

Arising Out of PS. Case No.-247 Year-2021 Thana- JOGAPATTI District- West Champaran

1. VIRENDRA CHAUDHARY Son of Late Nathuni Chaudhary Resident of Village - Nawalpur, P.S.- Jogapatti (Nawalpur), Distt.- West Champaran.
2. SANJEEV CHAUDHARY Son of Ramashankar Chaudhary Resident of Village - Nawalpur, P.S.- Jogapatti (Nawalpur), Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-05-2022 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 petitioners and learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 354(B), 379, 307, 504, 506 and 302 of the Indian Penal Code.

As per prosecution case, it is alleged by the informant Kalawati Devi, that on 06.06.2021 while she was sitting at the door of her house then due to previous land dispute her



neighbour Ramashankar Chaudhary came to her house along with his associates including the petitioners, armed with weapons and started abusing her. She further alleged that Ramashankar Chaudhary assaulted her with lathi on her left hand and Ramesh Chaudhary with lathin on her chest, neck and back, as a result of which she sustained serious injuries and fell on the ground. When her husband came to rescue then upon order of Ramashankar Chaudhary, Surendra Chaudhary assaulted her husband on his nose with iron rod and Accused petitioner also assaulted her husband upon his neck, as a result of which his husband got unconscious. She further alleged that Sanjeev Chaudhary torn her blouse and other accused persons stolen ten thousand rupees from her house and Seema Devi and Khushbu Kumari snatched Mangalsutra from her neck and thereafter she rushed towards hospital for her husband treatment.

Learned counsel for the petitioners submit that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the allegation against the petitioners that petitioner no. 1 assaulted her husband upon his neck and petitioner no. 2 torn the blouse of the informant. He further



submits that as per postmortem report of the deceased, the cause of death of the deceased was due to head injury which is not attributed against any of the petitioners. He further submits that the present case is counter blast of Yogapatti P.S. Case No. 276 of 2021 filed by the wife of co-accused Ramashankar Chaudhary against the family member of the deceased. He further submits that in fact the petitioners are the close relatives of the Ramashankar Chaudhary so they have falsely implicated the petitioners in the present case. The police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 09.06.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Yogapatti (Nawalpur) Case No. 247 of 2021, with the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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