

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71066 of 2021

Arising Out of PS. Case No.-341 Year-2021 Thana- BETTIAH CITY District- West
Champaran

-
1. SONU CHOUDHARY Son of Suresh Choudhari @ Suresh Choudhary Resident of Village- Pokariya Ray, Ward No.12, Chanpatia, District- West Champaran.
 2. Pankaj Choudhary Son of Suresh Choudhari @ Suresh Choudhary Resident of Village- Pokariya Ray, Ward No.12, P.S.- Chanpatia, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivjee Singh, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 05-05-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in a case registered for the offences punishable under Sections 341, 323, 353, 504, 506 and 34 of the Indian Penal Code read with Section 42 of the Prisoners Act.

Learned counsel for the petitioners submits that the petitioners are in custody since 06.08.2021, charge-sheet has been submitted in the case, petitioner no.1 has antecedents of nine cases and the petitioner no.2 has antecedents of five cases.

Learned counsel for the petitioners submits that the



informant alleges that the petitioners along with four named accused persons assaulted prisoners, Vinay Pathak and Chhotu Rao while they were going to their ward after meeting the informant, further Vinay Pathak was assaulted on head causing injury.

Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the allegation of assault is general and omnibus in nature, no specific role of assault has been attributed against any of the named accused persons in the F.I.R. It is further submitted that the case is under Section 323 of the I.P.C. as such the nature of injury cannot be grievous, it is also submitted that Section 353 of the I.P.C. was not initially added when the F.I.R. was instituted but was subsequently added after about two months of the occurrence.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the fact that the petitioners are in custody since 06.08.2021, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioners, let the petitioners above named be released on bail on furnishing bail bond of Rs.



25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bettiah Town (Kalibagh O.P.) P.S. Case No. 341 of 2021 with a condition that one of the bailors of the petitioners shall be their father, Suresh Choudhari @ Suresh Choudhary.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

