

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11019 of 2023**

Arising Out of PS. Case No.-257 Year-2019 Thana- LAUKAHI District- Madhubani

Gauri Shankar Chaupal Son Of Rameshwar Chaupal R/O Vill.- Narahiya
(Bhagwanpur), P.S.- Laukahi, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Advocate.

For the Opposite Party/s : Md. Fahimuddin, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-05-2023 Heard Mr. Hriday Narayan Harshit, learned counsel
for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Laukahi P.S. Case No. 257 of 2019 Corresponding to G.R. No. 2090 of 2019, registered for the offences punishable under Sections 147, 148, 149, 323, 337, 338, 504, 435, 427, 307, 332, 333, 353, 283, 188, 379 of the Indian Penal Code and Section 3/4 of the Damage to Public Property (P) Act.

It is alleged that on account of road accident, the local residents assembled there and allegedly the petitioner along with other co-accused persons created hindrances by pelting stones on the police party in discharging the official duty and also damaged the vehicles and other materials on the road.



Learned counsel appearing on behalf of the petitioner submits that in fact the FIR has been instituted against 107 named accused persons and thousand of unknown persons, however, even as per the FIR there is no specific allegation against the petitioner. With regard to the same occurrence two FIRs have been instituted another being Phulparas P.S. Case No. 457 of 2019, in which the petitioner is on bail. He further submits that other co-accused person having identical allegation has been allowed privilege of bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 12874 of 2023 vide order dated 25.04.2023 and the petitioner is in custody since 29.09.2022.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the omnibus allegation and the fact that other co-accused person having identical allegation has been allowed privilege of bail, coupled with the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Jhanjharpur in connection with Laukahi P.S. Case No. 257 of 2019



Corresponding to G.R. No. 2090 of 2019, 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 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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