

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11385 of 2023**

Arising Out of PS. Case No.-104 Year-2021 Thana- SHIVSAGAR District- Rohtas

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KAMESHWAR CHAUBEY SON OF LATE KEDAR CHAUBEY @
KEDAR NATH CHAUBEY R/O VILLAGE- BHADRASHILA, P.S.-
SHIVSHAGAR, DISTRICT- ROHTAS AT SASARAM

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 26-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State along with learned counsel for the informant.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 324, 307, 504, 506
and 34 of the Indian Penal Code and under Section 27 of the
Arms Act.

This is the second attempt of the petitioner to seek
bail.

It is submitted that earlier the bail application of the
petitioner was rejected by order dated 27.04.2022 in Criminal
Miscellaneous No. 66848 of 2021.

The learned counsel for the petitioner submits that
from perusal of the order dated 27.04.2022, it would manifest



that the same clearly recorded that- “considering the submissions made by the learned counsel for the informant, the Court for the present is not inclined to grant bail to the petitioner. His prayer for bail is thus rejected.”

The learned counsel for the petitioner next submits that subsequent to rejection of the bail application of the petitioner, the charges were framed against the petitioner by order dated 07.07.2022.

The learned counsel next submits that despite framing of charge not a single witness has turned up.

This Court by order dated 22.03.2023 had called for a report from the learned Trial Court with respect to the stage of the case. The learned Trial Court has submitted its report by Letter No. 36 dated 01.04.2023 wherein it has been recorded that the case is pending at the stage of evidence, summons have been issued to the witnesses, but no one turned up despite summons being served on the witnesses, further that there are six charge-sheet witnesses.

The learned counsel for the informant opposes the bail application but is not in a position to rebut the submissions of the learned counsel for the petitioner that the charges against the petitioner stand framed.



Considering the submissions made by the learned counsel for the petitioner, 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 the learned court below where the case is pending/successor court in connection with Shivsagar P.S. Case No. 104 of 2021.

One of the bailors of the petitioner shall be his son Ashish Kumar Choubey.

Further, in the event, if the learned Trial Court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned Trial Court shall forthwith cancel his bail bonds after recording reasons.

(Satyavrat Verma, J)

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