

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12246 of 2023

Arising Out of PS. Case No.-315 Year-2018 Thana- PIRO District- Bhojpur

PARSURAM CHAUDHARY @ PASURAM CHAUDHARY Son of Late
Osiyar Chaudhary Resident of Village - Kacchui/Kachhuhi, P.S.- Piro, District
- Bhojpur (Arrah).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Vardhan Narayan, Adv.
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 14-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Piro P.S.
Case No. 315 of 2018 registered for the offence under Sections
302/34 of the Indian Penal Code.

The petitioner is alleged to have killed the father of the
informant by inflicting him Gupti injury.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
on bare perusal of the F.I.R., it appears that the informant is not
the eye witness to the alleged occurrence. He further submits
that there was previous dispute between the family of the parties
on account thereof this false case has been lodged by the



informant. Moreover, co-accused, Baijnath Chaudhary has already been granted bail by a co-ordinate Bench of this Court vide order dated 01.05.2019 passed in Cr. Misc. No. 11341 of 2019. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 17.11.2018.

A report with regard to present stage of the trial has been called for by this Court vide order dated 29.08.2023 which has been received and forms part of this application at Flag-R. On perusal thereof, it would reveal that cognizance has been taken on 04.03.2023 and the record is pending for the appearance of accused.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 17.11.2018 i.e approx five years and the co-accused has already been granted bail.

Learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner that he assaulted the father of the informant by means of Gupti causing his death.

Considering the facts and circumstances of the case as well as the present stage of the trial and period of custody, let the, above named, petitioner be released on bail on furnishing bail



bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Arrah in connection with Piro P.S. Case No. 315 of 2018 with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that 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 step for cancellation of bail bond of the petitioner. 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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