

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26225 of 2023

Arising Out of PS. Case No.-21 Year-2023 Thana- CHANDAUTI District- Gaya

SANTOSH CHAUDHARY @ SANTOSH CHOUDHARY Son of Manohar Chaudhary @ Manohar Choudhari Resident of village - Neyajipur, P.S.- Chandauti, District - Gaya.

.. ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Saxena

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Chandauti P.S. Case No. 21 of 2023 registered for the offences punishable under Sections 147, 149, 341, 323, 504, 506, 353 of the IPC and Section 37 (c) and 45 of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, petitioner and others are alleged to have consumed alcohol and have assaulted police personnel.

Learned counsel for the petitioner submits that petitioner is in custody since 09.01.2023 and bears no criminal antecedent. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.



Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 learned Exclusive Special Excise Court No.01, Gaya in connection with Chandauti P.S. Case No. 21 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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