

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20779 of 2023

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

1. Jhulan Chaudhary Son of Kishor Chaudhary Resident of Village - Niyazipur, P.S. - Chandauti, Distt. - Gaya
2. Manohar Chaudhary Son of Hari Chaudhary Resident of Village - Niyazipur, P.S. - Chandauti, Distt. - Gaya
3. Butta Chaudhary @ Buta Chaudhary Son of Nandu Chaudhary Resident of Village - Niyazipur, P.S. - Chandauti, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek 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 and 353 of the Indian Penal Code and Sections 37(c) and 35 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per allegation, the petitioners were found in inebriated condition. It is also alleged that all the accused persons along with the petitioners attacked on the police



personnel.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners were found in inebriated condition and nothing has been recovered from the conscious physical possession of the petitioners. He also submits that the allegation of attacking on the police personnel is not specific against the petitioners.

He further submits that the petitioners have been languishing in jail since 09.01.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner nos. 1 and 2 have no criminal antecedents, whereas petitioner no.3 is also involved in one other case, in which he is on bail.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, learned APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances,



this application is allowed, directing the petitioners, above- named, to be enlarged on bail on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Gaya, in connection with Chandauti P.S. Case No. 21 of 2023, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not get hampered on account of their absence or non-cooperation. they must be available to the police or the court whenever his presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioners have any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(vi) In case, the petitioners repeat offence of similar nature after enlargement on bail, their bail-bond will be cancelled by the court below.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

Amrendra/-

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

