

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 22480 of 2023

Arising Out of PS. Case No.-277 Year-2022 Thana- KHIJARSARAI District- Gaya

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FONU CHAUDHARY @ FONU KUMAR S/O MAHESH CHAUDHARY
@ MAHESH CHAUDHARI Resident of village- Hemara, P.S.- Khizersarai,
Sarbahada (O.P.), District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms Manisha Prakash, Advocate

For the Opposite Party/s : Mr Ajit Kumar, APP

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CORAM: HONOURABLE MR JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-05-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner has preferred this application for grant of regular bail in connection with Khizersarai (Sarbahada OP) Police Station (for brevity, **PS**) Case No 277 of 2022 dated 01.08.2022 registered for the offence punishable under Sections 147, 341, 323, 379, 307, 302 of Indian Penal Code.

As per the prosecution case, the informant's mother was brutally assaulted by the petitioner and the co-accused persons due to protest of theft and she died on the next day.



Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner bears clean antecedent as stated in paragraph 3 of the bail petition. He is in custody in this case since 24.01.2023. Learned counsel for the petitioner has further submitted that there are general and omnibus allegations. As per the post mortem report, no external maniacal injury was found over the body of the deceased. The co-accused persons, namely, Payari Devi, Gudiya Devi and Chunnu Chaudhary, Sonu Chaudhary, Savitri Devi have already been granted anticipatory bail by the coordinate Bench of this Court in Cr Misc No 892 of 2023.

Learned APP has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case, period of custody as well as the nature of allegation against the petitioner, the petitioner above named is directed to be released on bail on his furnishing bonds of Rs 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate IV, Gaya in Khizersarai (Sarbahada OP) PS Case No 277 of 2022 dated 01.08.2022.



This application stands allowed.

(Chandra Prakash Singh, J)

M.E.H./-

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