

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31394 of 2022

Arising Out of PS. Case No.-67 Year-2022 Thana- SABAUR District- Bhagalpur

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Ram Balak Chaudhary Son of Ramesh Chaudhary Resident of Village-
Bharatkhand, P.S.-Parbatta, District-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jyoti Ranjan Jha, Advocate.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-01-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Jyoti Ranjan Jha, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sabour P.S. Case No. 67 of 2022, registered for
the offences punishable under Sections 302/34 of the Indian
Penal Code and Section 27 of the Arms Act.

The prosecution case is based on a written report of
the informant alleging therein that on 21.02.2022, while she was
going to the market, in the meantime, she saw that three persons
have surrounded her brother, namely, Md. Inamul out of which
two of them, who were armed with gun fired upon his brother



causing his death. It is further submitted that the informant raised *hulla*, however, they succeeded in fleeing away by giving threatening. It is also alleged that she identified two of the persons, including the petitioner, who were standing at some distance and further she also disclosed that there was enmity of his brother with Gautam Ray on account of lending some money.

Learned counsel appearing on behalf of the petitioner submits that the informant who is alleging herself to be an eyewitness to the alleged occurrence had not alleged any overt act against the petitioner rather it is alleged that two persons including the petitioner were standing at the distance of the place of occurrence. He further submits that it is also evident from the FIR that enmity has been alleged against Gautam Ray, who was also standing along with the petitioner at the distance, and he has been granted bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 32172 of 2022 vide order dated 16.09.2022. The copy of which has been produced before the Court and the same has been kept on record. He next submits that now the investigation of the crime is already complete and the charge-sheet has been submitted and there is no allegation of tempering of the evidence and threatening of the witnesses.



On the other hand learned APP for the State vehemently opposes the bail application, however, he shown his inability to confront the fact that other co-accused having similar allegation has been granted bail by learned Co-ordinate Bench of this Court.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that another co-accused has already been granted bail by learned Co-ordinate Bench of this Court and moreover the petitioner having fair antecedent, is in custody since 23.02.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Sabour P.S. Case No. 67 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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