

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40529 of 2023

Arising Out of PS. Case No.-638 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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PRABHU NARAYAN CHOUDHARY @ PRABHU NARAYAN
CHAUDHARI S/O LATE SATYA NARAYAN CHOUDHARY R/O Village-
Laguniya Raghukanth,P.S- Samstipur Muffasil, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-07-2023 Heard Mr. Aryan Singh, learned counsel for the
petitioner and the State.

The petitioner is in custody in connection with
Samastipur (Muffasil) P.S. Case No. 638 of 2022 for the offence
under Sections 147, 148, 149, 341, 323, 324, 326 and 109 of the
Indian Penal Code and Section 27 of the Arms Act lodged on
16.12.2022 by the informant, Gopal Ishwar.

As per the prosecution story, when the father of the
informant was sitting at his door, the accused persons armed
variously came and assaulted him. So far as this petitioner is
concerned, it is alleged that he assaulted both the informant as
also his father. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that though



allegation of causing injury to the informant and his father has been attributed, the injury report shows the same to be simple in nature.

Further, there is a counter version to this case also and a Title suit no. 122 of 2022 is pending between the parties.

The last submission is that he is in custody since 17.12.2022 (as stated in paragraph 13 of the petition).

Learned APP opposes the prayer stating that there is allegation of assault on both the informant and his father.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also the fact that the injuries have been found to be simple in nature and he is in custody since 17.12.2022, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Samastipur, in connection with Samastipur (Muffasil) P.S. Case No. 638 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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