

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43033 of 2023

Arising Out of PS. Case No.-129 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

1. RAMEKBAL CHAUDHARY SON OF RAGHUNATH CHAUDHARY
RESIDENT OF VILLAGE- PATULAH, PS- SIWAN (MUFFASIL),
DISTT- SIWAN
2. ADITYA CHAUDHARY @ VICKY CH. SON OF RAMBILASH
CHAUDHARY RESIDENT OF VILLAGE- PATULAH, PS- SIWAN
(MUFFASIL), DISTT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Harendra Prasad
For the Informant	:	Mr. Ajay Kumar Pandey
For the Opposite Party/s	:	Mr.Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 21-07-2023
1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.
 2. The petitioners seek bail in connection with Siwan
(Muffasil) P.S. Case No. 129 of 2023 registered for the offences
punishable under Sections 341, 323, 307, 302, 379, 504/34 of
I.P.C.
 3. As per prosecution case, Aditya Chaudhary
(Petitioner No. 2) assaulted the informant's husband on his
temple and Ramekbal Chaudhary (Petitioner No. 1) assaulted
him on his back and knee.
 4. Learned counsel for the petitioners submits that



petitioners are in custody since 17.03.2023. Petitioners bear no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioners are innocent and have committed no offence as alleged in the F.I.R. Petitioner No. 1 is service man and he is posted in National Highway Authority on the post of programmer assistant in Delhi and Petitioner No. 2 is a computer science engineer and he is working in Infosys limited company. Petitioners had never assaulted the deceased and postmortem report has shown that no external injuries are found on the body of the deceased which is totally inconsistent with the story of prosecution. On account of land dispute the petitioners have been made accused in the present case.

5. The learned A.P.P. for the State as well as learned counsel for the informant vehemently oppose the prayer for bail of the petitioners and submit that there is direct allegation against the petitioners.

6. Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the



petitioners, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioners 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 ACJM - 1st Siwan in connection with Siwan (Muffasil) P.S. Case No. 129 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) Petitioners will co-operate in trial and will remain present on all dates and absence for three consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper 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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