

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49468 of 2023

Arising Out of PS. Case No.-249 Year-2023 Thana- WAJIRGANJ District- Gaya

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AJAY CHAUDHARY Son of Late Rajo Choudhary Resident of village
Tarwa, P.S.-Wazirganj, District Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, Advocate
For the Opposite Party/s : Mr.Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-08-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
05.05.2023 in connection with Wazirganj P.S. Case No. 249 of
2023, F.I.R. dated 04.05.2023 registered for the offence
punishable under Sections 447,323,341,379,354,354(B)/504 of
IPC and Section 37(ii) of Bihar Prohibition and Excise
Amendment Act, 2018.

3. Allegation against the petitioner is that he came into
the house of the informant and started to abuse her and on
objection he assaulted her by fists and slaps, due to which she
sustained head injury and her daughter was also assaulted by the
petitioner. Further allegation is that he snatched golden Gitiya
during course of mar-pit.

4. Learned counsel appearing for the petitioner



submits that as per allegation in the FIR the petitioner is in drunken condition has misbehaved with the family members of the informant and as per allegation in the FIR no case is made out against the petitioner under Section 354B of IPC and in fact the petitioner is not involved in the present occurrence and he has falsely been implicated in the present case and the petitioner is in custody since 05.05.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Gaya in connection with Wazirganj P.S. Case No. 249 of 2023, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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