

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46813 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- SALAKHUA District- Saharsa

Nagina Chaudhary @ Nagin Choudhary, Son of Jhamlal Choudhary, Resident
of Village- Kanti, P.S.- Salkhua, Distt-Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Salkhua P.S. Case No.6 of 2023 registered for the offences
punishable under Sections 386 of the Indian Penal Code as well
as Section 25(1-B)a & 26 of the Arms Act.

3. The accused/petitioner is named in the FIR and is
in custody since 11.01.2023.

4. Allegation against the petitioner is to open fire
upon the informant and also to ask for extortion money, where
petitioner was apprehended by informant and others.

5. It is submitted by learned counsel that petitioner
has been falsely implicated with present case out of local
dispute and differences, where arrest of petitioner as per



narration of FIR made by private persons. It is also submitted that production of alleged arms were also made by private persons and to that extent the offence alleged is bailable in nature but as a false allegation regarding extortion also raised to aggravate the allegation, the offence becomes non-bailable in totality. While concluding argument, it is submitted that petitioner also found involved in five more criminal cases, where he is on bail and moreover investigation of this case is completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances, as arrest of petitioner appears to be made by private persons, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 11.01.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Salkhua P.S. Case No.6 of 2023, subject to the conditions as laid down under Section



437(3) of the CrPC and with further conditions:-

(i) That petitioner shall not involve in any nature of criminal case till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

