

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50850 of 2023

Arising Out of PS. Case No.-263 Year-2022 Thana- JANDAHA District- Vaishali

PRATIK KUMAR CHAUDHARY Son of Shree Pankaj Kumar Chaudhary
Resident of Village-Kathaila Kharik, P.S.-Kharik, District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kunal Tiwary, Advocate
For the Opposite Party/s	:	Mr.Chandra Bhushan Prasad, APP
For the Informant	:	Mr. Jai Prakash Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
06.03.2023 in connection with Jandaha P.S. Case No. 263 of
2022, F.I.R. dated 01.09.2022 registered for the offence
punishable under Sections 307,302/34 of IPC and Section 27 of
Arms Act.

3. As per FIR, the allegation against the co-accused
Deewakar Kumar Singh is that he along with other unknown
miscreants fired upon the father of the informant due to which
his father sustained injuries and during treatment he died.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the



present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the re-statement of the wife of the deceased and from bare perusal of the FIR it appears that there is direct and specific allegation against co-accused, namely, Deewakar Kumar Singh who has fired upon the father of the informant and thereafter it is alleged that unknown co-accused persons including the petitioner have fired upon the father of the informant and there is no specific allegation against the petitioner that he has fired upon the father of the informant rather there is general and omnibus allegation against all the accused persons including the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 06.03.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground 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 Judicial Magistrate-1st Class, Hajipur at Vaishali in connection with Jandaha P.S. Case No. 263 of 2022, 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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