

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51955 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- KHAJAU LI District- Madhubani

1. MUKESH CHAUDHARY S/o Sudista Chaudhary Resident of Village- Palimohan, P.S.- Khajauli, District- Madhubani.
2. Mukesh Sah S/o Raj Kumar Sah Resident of Village- Palimohan, P.S.- Khajauli, District- Madhubani.
3. Manohar Chaudhary S/o Raj Kumar Chaudhary Resident of Village- Palimohan, P.S.- Khajauli, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate
For the Opposite Party/s : Mr. J.K. Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 13-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail, who are in custody since 06.06.2022, in connection with Khajauli P.S. Case No. 52 of 2022, F.I.R. dated 01.04.2022 registered for the offences punishable under Sections 341, 323, 307, 337, 338, 504, 34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

The prosecution case, in brief, is that on 18.03.2022 the informant's husband was coming from his sasural and reached near Batuapokhar and in the meantime an accident took



place and the informant's husband fell down. Thereafter, the informant's husband told to Mukesh Kumar Chaudhary why you push with his motorcycle then accused Mukesh Chaudhary, Mukesh Sah and Manohar Chaudhary started abusing and assaulted with fist and slaps. Thereafter, they started assaulting with Hockey stick on the head of the informant's husband namely Manoj Mandal due to which head was seriously injured and he came senseless.

Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case on the basis of suspicion. He further submits that it appears from the F.I.R. that the date of occurrence alleged in the F.I.R. on 18.03.2022 and the Fardbeyan of the informant was recorded on 22.03.2022 and the present F.I.R. was instituted on 01.04.2022 after delay of more than nine days without giving any explanation of delay. He further submits that the informant is not an eye witness of the alleged occurrence and the postmortem report of the deceased does not support the allegation as alleged in the F.I.R. He further submits that the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 06.06.2022.

The learned Additional Public Prosecutor for the State



has vehemently opposed the prayer for bail of the petitioners on the ground that the petitioner nos. 1, 2 and 3 carries one more case other than the present one but fairly submits from paragraph-3 of the bail petition that the petitioners are on bail.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Madhubani in connection with Khajauli P.S. Case No. 52 of 2022, subject to the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at



any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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