

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53975 of 2023

Arising Out of PS. Case No.-399 Year-2023 Thana- NATHNAGAR District- Bhagalpur

ASHISH CHATTERJEE @ ASIS KUMAR CHATTERJEE SON OF LATE
NIMAI CHANDRA CHATTERJEE RESIDENT OF MOHALLA- MASKAN
BARARIUR AN,E CHAMPA NAGAR, PS- NATHNAGAR, DIST-
BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 30-08-2023 1. Learned counsel for the petitioner is permitted to make necessary corrections in para-1 of the bail petition during course of day.
2. Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.
3. Petitioner, who is in custody since 24.06.2023 seeks bail, in connection with Nath Nagar P.S. Case No.399/2023, dated 20.05.2023, for the offences punishable under Sections 341, 323, 354, 379, 307, 504, 506/34 of the IPC & Section 27 of the Arms Act.
3. According to prosecution case, the petitioner along with other co-accused persons forcibly entered into the room of



the informant and assaulted her elder sister namely Leena Mukherjee and mother Mira Mukherjee and locked them on the room and thereafter the petitioner and co-accused namely Imon Chatterjee dragged her in open place and with a purpose to commit rape started tearing her cloths. On hulla both the accused persons fled away.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the petitioner is maternal uncle of the informant and there is admitted land dispute between the parties. He further submits that there is case and counter case between the parties and both the parties have resided in the same ancestral house which is subject matter of the present F.I.R. He further submits that from perusal of the F.I.R., it appears that the petitioner has assaulted Leena Mukherjee and Mira Mukherjee but there is no injury report available on record and for the same occurrence the petitioner's side also injured and the petitioner has also sustained injury in the same occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 24.06.2023.

5. Learned counsel for the informant as well as learned



Additional Public Prosecutor for the State on the other hand have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner and apart from that the petitioner has carried also carried five criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all the five cases.

6. Considering the aforesaid facts and circumstances, 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 the learned C.J.M., Bhagalpur in connection with Nath Nagar P.S. Case No.399/2023, subject to the following conditions:-

1. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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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