

N THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59017 of 2022

Arising Out of PS. Case No.-248 Year-2020 Thana- PATEPUR District- Vaishali

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1. DHARAM NATH CHOUDHARY Son of Late Jagarnath Choudhary
Resident of Village- Sukki, P.S.- Patepur, District- Vaishali
 2. GAUTAM KUMAR @ SOM NATH KUMAR Son of Sri Dharam Nath
Choudhary Resident of Village- Sukki, P.S.- Patepur, District- Vaishali
 3. SANTOSH KUMAR @ CHHOTU @ CHHOTU KUMAR Son of Sri
Dharam Nath Choudhary Resident of Village- Sukki, P.S.- Patepur, District-
Vaishali Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh
For the Opposite Party/s : Mr.Vinod Shanker Modi

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 18-04-2023 Heard the learned counsel for the petitioners as well

as the learned Additional Public Prosecutor for the State and

learned counsel for the informant.

The petitioners are seeking regular bail in connection
with Patepur P.S. Case No. 248 of 2020, registered for the
offences punishable under Sections 147, 149, 341, 323, 307,
504, 506 of the Indian Penal Code in which subsequently
Section 302 of the Indian Penal Code was also added.

As per allegation, in the morning of occurrence, all
the named accused persons came to the house of the informant,
equipped with sharp edged weapons. They assaulted the
informant, her husband and her brother-in-law (*devar*) Kedar
Choudhary and made them badly injured. Kedar Choudhary
died during course of the treatment.

The learned counsel for the petitioners has submitted



that petitioners are innocent and have falsely been implicated in this case. It is a free fight between two groups. There is case and counter case. Co-accused Manoj Paswan has also lodged Patepur P.S. Case No. 249 of 2020 and the members of defense side have also sustained injuries. He has submitted further that on similar footing, co-accused Manoj Paswan has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 18758 of 2021.

On the other hand, the learned APP and the learned counsel for the informant have opposed the prayer for bail and submitted that the name of the petitioner has figured in the statement of wife of the deceased and she has stated that he, along with Manoj Paswan, Dharamnath Choudhary and Shambhunath Choudhary assaulted her husband, resulting into his death, to which the learned counsel for the petitioners has replied that the case of the petitioners is on similar footing to that of Manoj Paswan, who has been granted bail by a coordinate Bench of this Court.

Considering the above-mentioned facts and circumstances, let the petitioners above-named be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned



Additional Judicial Magistrate-III, Vaishali at Hajipur in connection with Patepur P.S. Case No. 248 of 2020, subject to the following conditions:-

- (i) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.
- (ii) If the petitioners are found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioners and the learned court below will take decision in accordance with law.
- (iii) After release of the petitioners, the learned court below shall verify the criminal antecedent of the petitioners and it comes to the notice of the learned court below that the petitioners are involved in any other case, the learned court below shall be at liberty to cancel their bail bonds.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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