

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57181 of 2022

Arising Out of PS. Case No.-107 Year-2021 Thana- PANCHRUKHI District- Siwan

BIRENDRA CHAUDHARY Son of Chaneshar Chaudhary R/V- Sadikpur,
P.S- Pachrukhi, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 341, 447, 323, 325, 307, 379, 354, 385, 504, 506 of the Indian Penal Code.

According to prosecution case, there is allegation against the petitioner that he along with co-accused namely, Samrat Kumar assaulted on the head of Yogendra Yadav and Parmatma Kumar by means of hockey and iron rod, causing head injury to Yogendra Yadav and fractured injury in left hand of Parmatma Kumar.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears



from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that there is no specific allegation of any assault or overt act against the petitioner and the injury report of Yogendra Yadav suggests that the injury is simple in nature and the injury inflicted on the hand of Parmatma Kumar has been kept reserved. He further submits that similarly situated, co-accused persons, namely, Arjun Choudhary, Tulsi Kumar and Abhishek Kumar have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 01.08.2022 passed in Cr. Misc. No. 7257 of 2022 and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 25.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Pachrukhi P.S. Case No. 107/2021, 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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