

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62763 of 2022

Arising Out of PS. Case No.-449 Year-2021 Thana- MANER District- Patna

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Birendra Kumar @ Vilendra Chaudhary @ Birendra Chaudhary Son Of Late
Pradeep Chaudhary R/O Village- Purvi Tola, Beyapur, P.S.- Maner, District-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Priya Gupta, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 15-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Maner P.S. Case No. 449 of 2021 registered for the offences punishable under Sections 341, 323, 326, 307, 109 and 504/34 of the Indian Penal Code.

Allegedly, the sons of the informant were assaulted by the accused persons including the petitioner by means of *knife* upon being instigated by the co-accused persons. It is further alleged that the accused persons assaulted the informant's sons by *sticks*

also.

The main submissions advanced by learned counsel for the petitioner are that the petitioner earlier preferred Cr. Misc. No. 14971 of 22 for the relief of Regular Bail which was rejected by this Court and after that order two co-accused persons namely, Golu Kumar and Kunal Singh preferred Cr. Misc. No. 12518 of 2022 and Cr. Misc. No. 5776 of 2022 respectively for the relief of anticipatory bail which were allowed by this Court and on earlier occasion the prosecution/police intentionally did not produce the final injury report of the injured person which was taken into account when the prayer of the petitioner was rejected on earlier occasion as well as the specific allegation of inflicting *knife* blow on one of the injured persons but during the investigation some material witnesses did not reveal the said specific allegation and moreover, the petitioner has spent about one year and one month in jail and the charges have been framed upon him but till now no prosecution witness has been examined by the prosecution which shows the lingering attitude of prosecution in completing the petitioner's trial.

Learned APP for the State has opposed the bail prayer.

Heard both the sides.

Though the allegation is serious in nature against the petitioner but considering his custody period and above stated facts as well as prosecution’s lingering attitude in producing the witnesses despite the charges having been framed upon the petitioner on 28.02.2022, so in my view a lenient approach can be taken in respect of the petitioner’s prayer for bail. Accordingly, let the petitioner named above be enlarged 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 Additional Sessions Judge-I, Danapur in Connection with Maner P.S. Case No. 449 of 2021.

(Shailendra Singh, J)

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