

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67929 of 2023**

Arising Out of PS. Case No.-77 Year-2023 Thana- JANDAHA District-
Vaishali

- =====
1. MANOJ CHAUDHARY @ MANOJ KUMAR CHAUDHARY S/o- KAMAL CHAUDHARY Village- Adalpur Ps- Jandaha Dist- Vaishali
 2. Santosh Chaudhary @ Santosh Kumar son of Kamal Choudhary Village- Adalpur Ps- Jandaha Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 19-10-2023 Heard Mr. Manish Chandra Gandhi, learned counsel for

the petitioners and Mr. Chandra Sen Prasad Singh, learned A.P.P.

for the State.

The petitioners apprehend their arrest in connection
with Jandaha P.S. Case No. 77 of 2023 registered for the offence
under Section 307, 323, 504, 354, 379/34 of the Indian Penal
Code.

The petitioners are alleged to have assaulted the
informant and her husband by means or iron rod on their head
causing them deadly injuries.

Learned counsel appearing for the petitioners submits
that the petitioners, who are of clean antecedent, are innocent



and have falsely been implicated in this case. He further submits that the husband of the informant is own brother of the petitioners and there is land dispute between the parties and on account thereof this false case has been lodged by the informant. There was no intention on the part of the petitioners to kill the informant and her family members. He further submits that although, according to the F.I.R., the petitioners have assaulted the informant and her husband by iron rod on their head but the injury report suggest that they have sustained simple injuries, therefore, no case under Section 307 of the Indian Penal Code is made out against the petitioners.

Learned A.P.P. for the State on the basis of material available on record vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 77 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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 bond shall be canceled by the Court below.

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

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 antecedent, 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)

brajesh/-

U			
---	--	--	--

