

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.63081 of 2022

Arising Out of PS. Case No.-38 Year-2021 Thana- SRINAGAR District- West Champaran

Kishan Chaudhary @ Krishna Son Of Nagina Chaudhary R/O Village-
Baghambarpur, Ward No. 12, P.S.- Srinagar Pujaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary

For the Opposite Party/s : Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 12-01-2023 This case is listed for hearing out of turn on

account of mentioning that wife of the petitioner is seriously

ill and she has been referred to the PMCH for further

treatment and there is nobody to take care to her.

Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Srinagar Pujaha P. S. Case No. 38 of 2021, registered for



the offences punishable under Sections 341, 323, 324, 353, 379, 504 and 506 of the Indian Penal Code.

The prosecution story as emerges from the FIR is that when the informant was on patrolling duty, he got information that the petitioner and his associates are illegally chopping the wood. Thereafter, the informant with his officials went there to stop them from doing so but the accused-petitioner and his associates abused and assaulted them by lathi, tangi and fatha, due to which they sustained injuries.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only on the basis of suspicion. He further submits that there is general and omnibus allegation against all the accused persons. He also submits that the injuries found on the body of the victims are simple in nature. He further submits that investigation in this case is complete and charge-sheet has already been submitted. He also submits that other co-accused persons have already been enlarged on bail by different Benches of this Court *vide* orders dated



09.12.2022 and 23.12.2022, passed in Cr. Misc. No. 51486 of 2022 and Cr. Misc. No. 53736 of 2022, respectively.

He further submits that the petitioner has been languishing in jail since 21.03.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in two other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. 1st Class Judicial Magistrate cum A.M.-III, West Champaran, in connection with Srinagar Pujaha P. S. Case No. 38 of 2021



on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is



wrong, Ld. court below shall cancel the bail bonds of the petitioner.

It is clarified that if the petitioner repeats the similar type of offence in future, his bail-bonds shall be cancelled by the court below.

It is made clear that in case the ground of out of turn hearing as mentioned by Ld. Counsel for the petitioner is found to be false by the court below on information provided by the informant and the court below getting satisfied that the ground mentioned for out of turn hearing is false, the court below shall cancel the bail-bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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