

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64636 of 2023

Arising Out of PS. Case No.-381 Year-2022 Thana- DALSINGHSARAI District- Samastipur

Shivam Chaudhary @ Shivam Choudhary S/O Vijay Chaudhary @ Vijay
Kumar Choudhary R/o vill - Mathurapur Harishankarpur, P.S. - Dalsinghsarai,
Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Dalsinghsarai P.S. Case No. 381 of 2022, lodged on 29.09.2022
under Sections 341, 323, 307, 504, 506, 34 of the Indian Penal
Code read with section 27 of the Arms Act.

3. As per the prosecution case, the FIR has been
lodged against four named accused persons and four unknown
accused persons and the specific allegation against the petitioner
is that he fired upon the informant due to which informant
caused injury on his hand.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel



also submits that the allegation of firing is against the petitioner by which the informant sustained injury on his hand. Counsel further submits that the petitioner is in custody since 03.08.2023.

5. Learned counsel for the petitioner submits that charge-sheet has already been framed. Counsel also submits that there are seven criminal cases pending against the petitioner in which he is on bail.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that antecedent of the petitioner is not clean. Counsel also submits that in the FIR, the informant has expressed the cause due to which the petitioner fired upon him and the cause was that the informant has made complaint against the accused persons before the Police due to which recovery of illicit liquor has been made and in retaliation, the petitioner fired upon the informant.

7. Upon specific query of the Court from the counsel for petitioner that whether charge has been framed in this case or not, counsel submits that as per his knowledge, charge has not been framed in this case.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above



named, be granted bail **one month after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Dalsinghsarai, Samastipur in connection with Dalsinghsarai P.S. Case No. 381 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

9. In the meantime, the informant is directed to adduce evidence for early conclusion of the trial.

10. The speedy trial is the constitutional vision of justice. It transpires to this Court that there are seven criminal cases pending against the petitioner. The description of those cases police station wise are mentioned below:-

I. Dalsinghsarai P.S. Case No. 02 of 2021 u/s 30(a) of Bihar Prohibition and Excise (amendment Act).

II. Dalsinghsarai P.S. Case No. 226 of 2021 u/s 341, 323, 325, 307, 504, 34 of IPC.

III. Dalsinghsarai P.S. Case No. 384 of 2021 u/s 30(a) of Bihar Prohibition and Excise (amendment Act).

IV. Dalsinghsarai P.S. Case No. 121 of 2022 u/s 30(a) of Bihar Prohibition and Excise (amendment Act).

V. Dalsinghsarai P.S. Case No. 281 of 2022 u/s 307 of IPC.

VI. Dalsinghsarai P.S. Case No. 285 of 2022 u/s 341, 323, 325, 307, 379, 504, 34 of IPC.

VII. Dalsinghsarai P.S. Case No. 382 of 2022 u/s 30(a) of Bihar Prohibition and Excise (amendment Act).



11. The District and Sessions Judge, Samastipur is directed to do the needful so that trial of all cases relating to magisterial nature shall run before one Magistrate and all sessions triable cases shall run before one Sessions Court and petitioner shall be released upon showing proof of charge framing in all cases.

(Dr. Anshuman, J.)

Divyansh/-

U		T	
---	--	---	--

