

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66670 of 2023

Arising Out of PS. Case No.-349 Year-2021 Thana- NAGAR District- Vaishali

VIJAY KUMAR CHAUDHARY@VIJAY CHAUDHARY SON OF RAM JI
CHAUDHARY RESIDENT OF VILLAGE- IMLITAL, GADHI PATH,
JAMMA MASJIT, POST OFFICE -DANAPUR CANNT, POLICE
STATION- DANAPUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shiva Shankar Pd. Singh, Advocate Mr. Pushpendra Priyedarshi, Advocate Ms. Karuna Nidhi, Advocate
For the Opposite Party/s :		Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 15-12-2023

Heard the parties.

2. The petitioner is in custody in connection with Hajipur Town P.S. Case No. 349 of 2021 for the offence punishable under sections 307/34 of the Indian Penal Code and 27 of Arms Act, later section 302 of the IPC added, lodged on 25.04.2021 by the informant, Manju Devi.

3. As per the prosecution story, Manju Devi, the mother of the deceased lodged the FIR alleging that while they were participating in a marriage ceremony, her daughter-in-law informed about her son having been shot at by the three accused persons. When she came to the house, saw her son in injured condition and upon enquiry, he informed that Vijay Kumar Chaudhary (the petitioner herein) fired upon him and fled away.

4. Earlier a report was called for, having found the



same to be unsatisfactory, another report was called. From the report so submitted, it is clear that the case is presently pending for being committed to the Sessions Court.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 29.09.2021 (as stated in paragraph 8 of the petition) and he will be diligently appearing in trial, if released on bail.

6. Learned APP opposes the prayer for bail stating that there is allegation against him of killing the informant's son.

7. Though there is allegation against the petitioner, taking into account that the case has yet not been committed, has remained in custody since 29.09.2021, as per the certificate attached, he is a studious person and will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Town (Hajipur) P.S. Case No. 349 of 2021 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

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

(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 his bail bonds.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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