

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72861 of 2023

Arising Out of PS. Case No.-192 Year-2020 Thana- NARDIGANJ District- Nawada

GIRANI CHOUDHARY SON OF LATE DULI CHOUDHARY RESIDENT
OF VILLAGE - BHADOUR, P.S. - NARDIGANJ, DISTRICT - NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Nardiganj P.S. Case No. 192/2020 registered under Sections 147, 148, 149 and 302 of the Indian Penal Code lodged on 25.08.2020 by the informant, Meena Devi.

3. As per the prosecution story, the informant's son returning home when he was surrounded by the accused persons and was brutally assaulted. The allegation against Mithilesh Choudhary and Gorelal Choudhary are of giving 'sword' blow while other accused persons including the petitioner gave 'lathi' blow. This led to his death, followed by the FIR.

4. It is the case of the petitioner that the 'sword' blow allegation is/are on Mithilesh Choudhary and Gorelal



Choudhary and omnibus allegation is against the petitioner and further one Ratan Choudhary with similar allegation has since been granted bail in Cr. Misc. No. 12088 of 2033 vide order dated 15.05.2023 (Annexure-3 to the petition).

5. Learned APP opposes the prayer for bail stating that the allegation of '*lathi*' blow is also on the petitioner.

6. Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also the fact that omnibus allegation is there, the petitioner do not have criminal antecedent and he is in custody since 05.04.2023 (as stated in paragraph-8 of the petition).

7. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Nardiganj P.S. Case No. 192 of 2020 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/her



bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark 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 his 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 the bail bonds.

(Rajiv Roy, J)

Jagdish/-

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

