

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68231 of 2022

Arising Out of PS. Case No.-90 Year-2022 Thana- BHAGWANPUR District- Begusarai

1. BIRENDRA CHAUDHARY @ CHHOTAN CHAUDHARY Son of Shiv Shankar Chaudhary
2. KUNDAN KUMAR Son of Birendra Choudhary @ Chhotan Choudhary. Both R/v- Chakanayat P.S.- Bhagwanpur (Teyay OP) District- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Rajeev Nayan,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-03-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 341,323,307,379,504,506,34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioners is that they assaulted to the informant with iron rod causing injury on his head.

Learned counsel appearing for the petitioners submits that petitioner No.1 carries two more cases other than the present one and petitioner No.2 has clean antecedent. Further submits that the petitioners have falsely been implicated in the



present case and the petitioners and informant are own agnates and due to admitted land dispute, the present false FIR has been instituted against the petitioners. Further submits that it appears from the FIR that the allegation against the petitioners is that they have assaulted to the informant with iron rod but the injury report of the informant, namely, Sanjeev Kumar reveals that he has got two injuries on his head and three injuries to the other side of his body and the Doctor has found all the injuries are simple in nature caused by hard and blunt substance and the police, after investigation, submitted chargesheet against the petitioners and petitioner No.1 is in custody since 06.08.2022 and petitioner No.2 is in custody since 17.08.2022 respectively.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, 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 the learned court below where the case is pending in connection with Bhagwanpur (Teyay O.P) P.S.Case No. 90 of 2022 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 bonds shall be cancelled 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 antecedents, 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)

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