

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69881 of 2022

Arising Out of PS. Case No.-102 Year-2022 Thana- BARABAR TOURIST District-
Jehanabad

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BINOD CHAUDHARY S/o Late Ganauri Chaudhary R/v- Alahganj, P.S.-
Prayatan (Bishunganj), District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-05-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
27.08.2022 in connection with Prayatan (Bishunganj) P.S. Case
No. 102/2022, F.I.R. dated 24.07.2022, for the offences
punishable under Sections 302/34 of the Indian Penal Code.

According to prosecution case, the petitioner along
with other co-accused persons having armed with lathi and iron
rod assaulted the son of the informant as a result of which, he
became unconscious. It is also alleged that co-accused namely
Nitish Kumar threw the son of the informant on the ground and
pressed his neck with intent to kill him. Thereafter the son of the
informant was taken to hospital, where the doctor declared him



dead.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case due to last panchayat election. He further submits that from bare perusal of the F.I.R., it transpires that the specific allegation of assault is attributed against the co-accused, namely, Nitish Kumar and the allegation against the petitioner is that he assaulted with iron rod to the son of the informant but the postmortem report does not support the allegation, as alleged in the F.I.R., with respect to the petitioner and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 27.08.2022.

Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioner and submits that the witnesses have supported the allegation as alleged in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri A.K.Chaturvedi,



J.M.1st Class, Jehanabad in connection with Prayatan (Bishunganj) P.S. Case No.102/2022, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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