

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68549 of 2022

Arising Out of PS. Case No.-35 Year-2022 Thana- PANCHRUKHI District- Siwan

VIDYA CHAUDHARY S/O LATE SURESH CHAUDHARY Resident of
village- Gamahariya, P.S.- Pachrukhi, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Pachrukhi
P.S. Case No. 35 of 2022 registered for the offence under
Sections 147, 341, 323, 307, 379, 504 and 506 of the Indian
Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.09.2022.

The allegation against the petitioner is to assault
informant and others, while informant intervene to quarrel
between one Manish Kumar Srivastava and petitioner, where
informant and his cousin received grievous head and other



bodily injuries.

Learned counsel appearing on behalf of the petitioner submitted that occurrence is appearing free fight in nature, where both parties received injuries and as such it cannot be said that petitioner was under intention to cause death of the cousin of the informant, namely, Raju Kumar Ojha, who alleged to receive head injury from assault caused by the petitioner by means of 'lathi'. It is submitted that alleged assault was non-repeated without having any intervening circumstances which further suggest petitioner was not under intention to cause death. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as alleged assault caused by petitioner appears non-repeated without having any intervening circumstances coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Pachrukhi P.S. Case No. 35 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of
learned Chief Judicial Magistrate, Siwan/concerned Court,
subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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