

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71481 of 2022

Arising Out of PS. Case No.-213 Year-2022 Thana- ROSHANGANJ District- Gaya

1. Pravesh Chaudhary S/O Late Baldeo Chaudhary R/O Village- Raksi, P.S- Roshanganj (Bankey Bazar), District- Gaya
2. Shiv Kumar Chaudhary S/O Late Baldeo Chaudhary R/O Village- Raksi, P.S- Roshanganj (Bankey Bazar), District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Md. Javed Jafar Khan, Advocate
For the Opposite Party/s :	Ms. Nirmala Kumari, APP
For the Informant :	Mr. Sudhir Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioners seek bail in connection with Roshanganj (Bankey Bazar) P.S. Case No. 213 of 2022 for the offences punishable under Sections 341, 323, 325, 307, 504/34 of the Indian Penal Code.

According to prosecution case, the co-accused persons including the petitioners started abusing and assaulting the informant and his wife and also assaulted other persons due to



which the informant and his wife sustained injuries.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case due to previous dispute. He further submits that the present case is the counter blast of Roshanganj (Bankey Bazar) P.S. Case No. 212 of 2022 filed by the petitioners against the informant and his family members. He further submits that it appears from the F.I.R. that there is no specific allegation of assault or overt act against these petitioners and there is specific allegation of assault or overt act against the co-accused persons, namely, Mahesh Chaudhary and Dilip Chaudhary. He further submits that the police after investigation submitted the charge sheet against these petitioners. The petitioners are in custody since 25.08.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, 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 Judicial Magistrate 1st Class, Sherghati, District- Gaya in connection



with Roshanganj (Bankey Bazar) P.S. Case No. 213 of 2022,
subject to 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 bond shall be cancelled by the Court below.

2. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, 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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