

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73013 of 2023

Arising Out of PS. Case No.-505 Year-2021 Thana- BHAGWAN BAZAR District- Saran

MALU CHAUDHARY @ SANTOSH CHAUDHARY Son of Late Sudama Chaudhary R/o Chhota Brahmpur, Satgharwa, P.S. - Bhagwan Bazar, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioner is an accused in connection with Bhagwan Bazar P.S. Case No. 505 of 2021 corresponding Trial No. 629 of 2023 registered for the offences under sections 302, 120(B) and 34 of the Indian Penal Code lodged on 17.10.2021 by the informant, Laddu Rai.

3. As per the prosecution story, the allegation is that the petitioner called the brother of the informant and thereafter the accused persons armed variously assaulted him brutally leading to death. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that save and except the allegation that he called the brother of the informant, nothing specific has been alleged against him, he do



not have criminal antecedent and similar situate Dinesh Chaudhary @ Dalda who was also named in the matter has since been granted bail vide Cr. Misc. No. 15216 of 2022.

5. Learned APP for the State, on the other hand, opposes the prayer for bail stating that he was the person who called the deceased whereafter assault took place leading to the death.

6. Taking into account the fact that omnibus allegation is against all the accused persons, there is no eye witness to the occurrence, he do not have criminal antecedent and similar situate Dinesh Chaudhary @ Dalda has been granted bail, as stated above, he is in custody since 08.05.2023 (as stated in paragraph 10 of the bail application), this Court is inclined to extend him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge – 5th, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 505 of 2021, 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



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 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 his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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