

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70561 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- BAIRIYA District- West Champaran

Bhola Choudhary Son of Sidheyan Choudhary Resident of Village - Bairiya
Ghuskpur, P.S.- Bairiya, District - West Champaran. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ashok Kumar Gupta, Advocate
For the Opposite Party/s :	Ms. Pushpa Sinha.1, APP
For the Informant :	Mr. Sanjeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-04-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

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

Petitioner seeks bail who is in custody since 27.08.2022 in connection with Bairiya P.S. Case No. 55 of 2022, F.I.R. dated 04.03.2022 for the offences punishable under Sections 341, 323, 324, 307, 302, 504, 506/34 of the Indian Penal Code.

According to prosecution case, all the accused persons including the petitioner caught the informant and one Chandi Chaudhary blow farsa on the head of the informant due to which he got serious injuries. It is further alleged that the accused persons also assaulted with the nephew of the informant and he also sustained grievous injuries.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from perusal of the F.I.R. it transpires that the F.I.R. is in two parts, according to part one, the allegation is alleged against the petitioner that he caught hold of the informant and according to part two, there is general and omnibus allegation against 5 accused persons including the petitioner that they have assaulted the nephew of the informant. He further submits that there is no specific allegation of assault attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 27.08.2022.

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 petitioner.

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 the learned Additional Chief Judicial Magistrate 3rd, West Champaran,



Bettiah in connection with Bairiya P.S. Case No. 55 of 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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