

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5321 of 2023

Arising Out of PS. Case No.-533 Year-2022 Thana- KAUWAKOL District- Nawada

RAM SWARUP CHAUDHARY Son of Late Lakhan Chaudhary R/V-
Marwa, P.S- Pakaribarawan Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

A supplementary affidavit, carrying out necessary
correction in the main application, has been filed on behalf of the
petitioner, which forms part of this application.

The petitioner seeks bail in connection with Kauakole
P.S. Case No. 533 of 2022 registered for the offence under
Sections 302, 120(B) and 34 of the Indian Penal Code.

Informant alleged that when her husband had gone o
attend the call of nature, petitioner along with other accused
persons assaulted on his neck by mean of pasuli due to which he
died.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in



this case. He further submits that it appears from the F.I.R. that a family dispute was going on between Mithlesh Chaudhary and the husband of the informant. He further submits that from bare perusal of the F.I.R., it appears that no specific allegation of assault or any overt act is attributed to the petitioner rather the allegation against the petitioner is that he caught hold the husband of the deceased and the co-accused, Surrender Chaudhary, who happens to be the son of the petitioner, caught the neck of the husband of the informant. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. Moreover, the co-accused, namely, Vijay Choudhary, having more or less similar allegation, has already been granted bail by a co-ordinate Bench of this Court vide order dated 27.03.2023 passed in Cr. Misc. No. 1164 of 2023. The petitioner is rotting in judicial custody since 28.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Judicial Magistrate-1st, Class, Nawada in connection with Kauakole P.S. Case No. 533 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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