

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13584 of 2024

Arising Out of PS. Case No.-144 Year-2023 Thana- KHARIK District- Bhagalpur

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Rishabh Choudhary Son of Sunil Kr Choudhary Resident of Vill.-Kathela,
P.S.-kharik, Distt.-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 24-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kharik P.S. Case No. 144 of 2023, lodged on 18.06.2023 under
Sections 341, 323, 307, 34 of the Indian Penal Code read with
section 27 of the Arms Act.

3. As per the prosecution case, FIR has been lodged
against three unknown accused persons against whom there is
an allegation that they have tried to make indiscriminate firing
to terrorize the people of the vicinity.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the name of the petitioner has been figured in



this case only due to the reason that the criminal antecedent of the petitioner is not clean and there are six criminal cases pending against him in which in all the cases, he is on bail. The petitioner is in custody since 05.10.2023 in the present case.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that in the rejection order, it has come that the petitioner has been identified by one of the witness of the locality and then only the petitioner's name has been figured in this case. Counsel further submits that the criminal antecedent of the petitioner is not clean and there are six criminal cases pending against him and this aspect may be taken into consideration while considering the bail application of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Naugachia, Bhagalpur in connection with Kharik P.S. Case No. 144 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

7. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

(I)- Kharik P.S. Case No. 46 of 2019.

(II)- Kharik P.S. Case No. 219 of 2020.



(III)- Kharik P.S. Case No. 104 of 2021.

(IV)- Kharik P.S. Case No. 136 of 2021.

(V)- Kharik P.S. Case No. 174 of 2021.

(VI)- Kharik P.S. Case No. 7 of 2022.

(Dr. Anshuman, J.)

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