

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14776 of 2024**

Arising Out of PS. Case No.-121 Year-2023 Thana- MAHKAR District- Gaya

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Budhu Chaudhary @ Budhu Chaudhari S/o Nathun Chaudhary R/o Village-  
Mananpur, P.S.- Mahkar (Sarbahada O.P.), District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      12-03-2024                      Heard Mr. Sanjeev Kumar, learned counsel for the  
  
petitioner and Mr. Nawal Kishore Prasad, learned Additional  
  
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mahkar (Sarbahda O.P.) P.S. Case No. 121 of 2023, F.I.R. dated 03.06.2023 for the offences punishable under Sections 147, 148, 341, 323, 279, 307, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, when informant protested against the sale of liquor in front of his house, then all the accused persons including the petitioner have assaulted the informant and his family members and this petitioner has assaulted by means of sword on his head causing him injury.

4. 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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that the petitioner has assaulted the informant by means of sword on his head but the injury report of the informant suggests that the injury is simple in nature caused by sharp object.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and the injury report of the informant suggests that the injury is simple in nature, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 1<sup>st</sup> Gaya in connection with Mahkar (Sarbahda O.P.) P.S. Case No. 121 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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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