

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18692 of 2024

Arising Out of PS. Case No.-23 Year-1997 Thana- DHANSOI District- Buxar

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Dadan Choudhary @ Dadan Noniya Son Of Late Inar Noniya @ Injar
Choudhary Resident Of Village - Mirjapur, P.S. - Dinara, District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Sunil Kumar Pathak, Advocate
For the State : Mr. Tarkeshwar Nath Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Dhansoi P.S. Case No. 23 of 1997 instituted for the offence
under Sections 147, 148, 149, 307 of the Indian Penal Code and
Section 27 of the Arms Act.

3. Prosecution case in short is that petitioner and other
co-accused persons have obstructed the informant and his
nephew from sowing seed in their field.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 10-01-2024. Petitioner
bears one criminal antecedents, as per disclosure made in
paragraph No. 3 of the bail application. He has made an accused



in one another case, but he has been acquitted by the Hon'ble High Court.

5. The present one is the case of misuse of privilege of bail. Order for issuance of NBW was directed on 21-05-16, against the petitioner and the same was issued on 01-08-2016, but due to non-appearance vide order dated 08-12-2021, process u/S 82 Cr.P.C. was issued on 27-04-2022 and process u/S 83 of Cr.P.C. was issued against the petitioner on 01-06-2022, but the same has not complied, but after petitioner came to know, he himself has surrendered on 10-01-2021. It is submitted that petitioner is victim of the circumstances. It is lastly submitted that petitioner hereby undertakes to cooperate the trial till ends and abide by the conditions laid down by this Hon'ble Court.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and undertaking of the petitioner to cooperate in the trial, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, **after framing of charge, if not already framed**, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties



of the like amount each to the satisfaction of Court below/concerned Court in connection with Dhansoi P.S. Case No. 23 of 1997, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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