

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18511 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- SURYAPURA District- Rohtas

1. Upendra Chaudhary, aged about 24 years, Male Son of Juman @ Chhotelal Chaudhary.
2. Juman @ Chhotelal Chaudhary, aged about 45 years, Male Son of Late Kesho Chaudhary, Both are resident of Village -Balihar, Noniyatoli, P.S.- Surajpura, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 13-03-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Suryapura PS Case No. 02 of 2024 instituted for the offences punishable under Sections 147,341,323,307,353,332,504,506 of the Indian Penal Code and Section 37 of the Bihar Prohibition and Excise Act, 2022.

3. As per the prosecution case, the allegation against the petitioners are that they along with the co-accused forming a mob assaulted the police party with an intention to kill the informant and also tried to snatch the weapons of the police party.



4. Learned counsel for the petitioners submits that the petitioners are innocent and has committed no offence and have falsely been implicated in this case due to enmity. Petitioners having no criminal antecedent as stated in para 3 of the petition and is in custody since 03.01.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Exclusive Special Excise Court No. 2-cum-Additional District and Sessions Judge, Rohtas at Sasaram dated 29.01.2024, it appears that the FIR has been lodged against six accused persons including the petitioners under various Sections of the Indian Penal Code as stated in para-1 of the petition. The allegation against the petitioners are general and omnibus and have falsely been implicated in this case by the police and there is no any injury report of the injured person, accordingly the prayer for bail of the petitioners are allowed. Let the petitioners above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 2-cum-Additional District and Sessions Judge, Rohtas at Sasaram in connection with Suryapura PS Case No. 02 of 2024.



7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen days) from the date of receipt of a copy of this order. However, it is made clear that ***if the charge-sheet has not been submitted*** then the petitioners shall be released on bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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