

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19321 of 2024

Arising Out of PS. Case No.-168 Year-2023 Thana- AMDABAD District- Katihar

Om Prakash Choudhary @ Bhujali Choudhary son of Deo Bhuvan Choudhary
Village- Kasba Tola Gadai Diyara W.No-11, Ps- Amdabad Dist- katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Amdabad P.S. Case No. 168 of 2023 dated 01.07.2023, lodged
under Sections 147, 148, 149, 341, 323, 307, 302 and 504 of the
I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against 11 named accused persons including the present
petitioner against whom there is an allegation that they assaulted
the husband and other family members of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the petitioner is in custody since 19.01.2024 having clean
antecedent. He further submits that the specific allegation is

against accused Rajesh Chaudhary who has alleged to attack by *lathi* and *danda* on the head of husband of the informant, due to which the blood was oozing out from his head and subsequently, he fell down. He further submits that except Rajesh Chaudhary, the allegation against the petitioner is general and omnibus and there is no act or overt act against the petitioner.

5. Upon specific query of the Court from the learned counsel for the petitioner that whether charge has been framed in this case or not, counsel submits that as per his knowledge, charge has not been framed.

6. Learned A.P.P. for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail **(only after framing of charge, if not framed)** on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class in connection with Amdabad P.S. Case No. 168 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailors 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.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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