

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35733 of 2024

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

Badri Chaudhary @ Baduri Chaudhary Son Of Juman Chaudhary @
Chhotelal Chaudhary Resident Of Village- Balihar, Noniya Toli, Police
Station- Surajpura, District- Rohtas At Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Adv

For the Opposite Party/s : Mr. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 04-07-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Suryapura P.S. Case No. 02 of 2024 dated 02.01.2024 registered for the offences punishable u/s 147, 341, 323, 307, 353, 332, 504 and 506 of the Indian Penal Code and Section 37 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the informant along with the police personnel visited the house of the Saraswati Devi. Meanwhile the petitioner along with the co-accused person started quarreling with the police party. The co-accused *Upendra Choudhary* started scuffling with the informant with



the intention to kill him, while all other persons assaulted him with the *lathi* and *danda*. The wife of *Upendra Choudhary* and *Badri Choudhary* also assaulted the police constable *Nisha Kumari*. The informant with the help of police force and villagers could only apprehend the co-accused *Upendra Choudhary*, who was in intoxicated condition.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner has transpired in this case only on the basis of the statement of villagers. It is further submitted that the alcohol was found in the body of the co-accused *Upendra Choudhary*. The allegation against the petitioner is general and omnibus in nature. The petitioner was not apprehended from the place of occurrence and no incriminating article has been recovered from the conscious possession of the petitioner and there is no specific allegations against the petitioners, hence no case is made out. There is general and omnibus allegation against the petitioner. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court *vide* order dated 22.04.2024 passed in Cr. Misc. No. 29351 of 2024. The petitioner has one antecedent as stated in para 3 of the bail petition. The petitioner



is in custody since 12.03.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation levelled against the petitioner and the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Rohtas at Sasaram, in connection with Suryapura P.S. Case No. 02 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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