

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49369 of 2024

Arising Out of PS. Case No.-219 Year-2023 Thana- CHANDRADIP District- Jamui

=====

Lagan Chaudhary @ Suraj Kumar Son of Indradev Chaudhary Resident of
Village - Manpur, P.S.- Chandradeep, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mayank Raj, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

Mr. Umesh Prasad

Mr. Mritunjay Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 25-09-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner seeks bail in connection with
Chandradeep PS Case No. 219 of 2023 dated 02-11-2023,
instituted for the offence punishable under Sections 302,
120-B/34 of the Indian Penal Code and Section 27 of the Arms
Act.

3. As per allegation in the FIR, the informant, who is
father of the deceased, has alleged that Dr. Birendra Mahto had
threatened his son, namely, Nakul Yadav not to give his
treatment to his customer of Manpur Mushari Tola otherwise
you will have to face the consequences and yesterday, on



01-11-2023 the informant raised suspicion that his son might have been killed by FIR named accused persons and some unknown persons under conspiracy.

4. This Court *vide* order dated 24-07-2024 called for a report regarding the present stage of trial, case diary and criminal antecedents of the petitioner from the learned Court below, which has been received from the Court of Additional District and Sessions Judge-V, Jamui. From, the report of the Trial Court dated 03-08-2024, it would appear that till date altogether two prosecution witnesses have been examined and next date fixed for prosecution evidence is 05-08-2024.

5. Learned counsel for the petitioner submits that three witnesses have been examined on behalf of the prosecution. Referring to the deposition of PW-2, who is the eye witness of the occurrence, it is submitted that during trial, this witness has stated that Bama Yadav (Bam Yadav) @ Mithilesh had fired at the deceased. There is no whisper against the petitioner. The petitioner is in custody since 03.11.2023 having no criminal antecedents.

6. Learned counsel for the informant and learned APP have vehemently opposed the prayer for bail. Learned counsel for the informant submits that petitioner is one of the



conspirators, on whose instigation, the main assailant, namely, Bama Yadav (Bam Yadav) @ Mithilesh fired at the chest of the deceased.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-I, Jamui, in Chandradeep PS Case No. 219 of 2023, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

(Khatim Reza, J)

shyambihari/-

U		T	
---	--	---	--

