

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49275 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- NARHATT District- Nawada

Balmiki Chaudhary Son Of Dwarika Chaudhary @ Saida Chaudhary Resident
Of Village - Hazaratpur, Police Station - Narhat, District - Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prem Ranjan Kumar

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-09-2024 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Narhat P.S. Case No. 68 of 2024, registered for the offences punishable under Sections 323, 341, 447, 324, 307, 504, 34 of the Indian Penal Code and Section 37(c) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Allegedly the petitioner in an inebriated condition rushed to the house of the informant and started abusing in filthy language. On protest being made, the petitioner assaulted the informant by means of sharp cutting weapon due to which the informant sustained injury in her left hand, finger and palm. It is also alleged that the wife of the petitioner also assaulted the mother-in-law of the informant by means of iron rod.



4. Learned Advocate for the petitioner referring to the FIR contended that the injury has sustained in the fingers and palm, moreover the impugned order does not deal with the nature of injury and *prima facie* it appears to be simple in nature. The ingredients as alleged in the FIR do not constitute offence much less under Section 307 of the Indian Penal Code having seen the intention and nature of injury. It is also contended that there is a counter version of the present case being Narhat P.S. Case No. 73 of 2024. Both the parties are neighbours and on account of some trifle a free fight has taken place but unfortunately some of the persons have sustained injury. The petitioner undertakes that he will not indulge in such kind of activity in future. The petitioner has been incarcerated since 24.02.2024.

5. On the other hand, learned APP for the State opposed the bail application and submitted that the petitioner is a habitual offender indulged in similar kind of crime as the petitioner has six criminal antecedents.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of injury and the period of custody as also the fact that the investigation is complete and the charge sheet has been submitted coupled with



the undertaking given by the petitioner before this Court, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-1, Nawada in connection with Narhat P.S. Case No. 68 of 2024, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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