

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47656 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- NEMDARGANJ District- Nawada

Ajay Chaudhari Son of Hari Chaudhari R/O Vill.- Daiva, P.S.- Nemdarganj,
Dist.- Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate
For the Opposite Party/s : Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Nemdarganj P.S. Case No. 09 of 2024, registered on 10.01.2024 for the offences under Sections 341, 323, 325, 307, 379, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, over a trivial issue the petitioner and co-accused persons assaulted the informant and his brothers causing injuries to them.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the allegation against the petitioner is that he tried to hit the informant on his head by an iron rod, caused injury to his left

thumb and thereafter the petitioner assaulted him on left knee. Allegation of assault on brothers of the informant is against other co-accused persons. Similarly placed co-accused brother of this petitioner has been granted bail by a Co-ordinate Bench of this Court *vide* order dated 03.07.2024 passed in Cr. Misc. 45688 of 2024. Learned counsel further submits that though the injuries are stated to be grievous but they are not serious. Petitioner has got clean antecedent and he is in custody since 18.03.2024. Learned counsel further submits that it is evident that no offence has been made out against the petitioner under Section 307 of the Indian Penal Code and charge sheet has already been submitted.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the submission of charge sheet and not so serious nature of allegation against the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Nawada/concerned court, in connection with Nemdarganj P.S.

Case No. 09 of 2024, subject to the condition laid down under Section 438(2) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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