

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54176 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- MAHISHI District- Saharsa

Ashish Choudhary @ Ashish Chaudhary, Son of Mohan Chaudhary @ Mohan Choudhary, Resident of Village- Mahishi, Ward No. 10, P.S.- Mahishi, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-09-2024 Heard Mr. Pawan Kumar, learned Advocate for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with S.T. No. 156 of 2024, arising out of Mahishi P.S. Case No. 7 of 2024, registered for the offences punishable under Sections 341, 342, 323, 354(B), 324 and 302/34 of the Indian Penal Code.

3. Based upon the written report, the informant alleges that while she was in her field, in the meantime, co-accused Mohan Choudhary, tried to outrage her modesty and on screaming, when her husband came there, co-accused Mohan Choudhary assaulted him by means of Axe, due to which he sustained a cut injury on his neck. It has also been alleged that



in the meanwhile this petitioner assaulted the informant. During the course of treatment, the husband of the informant succumbed to the injuries.

4. Learned Advocate for the petitioner referring to the F.I.R. contended that the allegation of causing axe blow, leading to death of the husband of the informant, is specifically attributed against the co-accused Mohan Choudhary. So far as the petitioner is concerned, there is no allegation as such that he facilitated the crime of causing death of the informant's husband. The only allegation against the petitioner is of assaulting the informant, moreover the informant has not sustained any injury. The post-mortem report of the husband of the informant suggests only one injury on the body of the deceased, which is also corroborated by the written statement. The petitioner is in custody since 09.01.2024 and now the charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that during the course of investigation, the statement of the independent witnesses were recorded and one of which has categorically stated that the petitioner had caught hold the deceased and thereafter Mohan Choudhary assaulted him, leading to his death.



6. Regard being had to the submissions made on behalf of the parties and considering the nature of accusation against co-accused Mohan Choudhary and the informant being an eye witness to the alleged occurrence, who did not make any allegation against the petitioner, except assaulting her, coupled with the fair antecedent and the period of custody, let the petitioner, named above, 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 Additional Sessions Judge-II, Saharsa in connection with S.T. No. 156 of 2024, arising out of Mahishi P.S. Case No. 7 of 2024, subject to the condition that one of the bailors will be the close relatives 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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