

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66273 of 2024

Arising Out of PS. Case No.-246 Year-2023 Thana- HASPURA District- Aurangabad

Kameshwar Chaudhary Son of Late Chander Chaudhary Resident of Village-
Koilwa, P. S. - Haspura, District- Auranganad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2024 Heard Mr. Pramod Kumar Yadav, learned counsel
for the petitioner and Mr. Umesh Lal Verma, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Haspura P.S. Case No. 246 of 2023, F.I.R. dated 30.08.2023 for the offences punishable under Sections 341, 323, 324, 307, 337, 338, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including this petitioner have assaulted the informant and her family members. This petitioner assaulted one Rajesh Chaudhary on his head by means of iron rod.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that although there is specific allegation against the petitioner that he has



assaulted the informant due to which he has received injury. He further submits that till the filing of the present bail petition, the final injury report of Rajesh Chaudhary (injured person) is not available on record. He further submits that there is specific allegation against the co-accused, Rocky Chaudhary that he has assaulted the informant by means of iron rod on her head and there is case and counter case between the parties and both the sides are agnate. He further submits that the similarly situated co-accused persons, namely, Rocky Chaudhary and others have been granted anticipatory bail by this Court vide order dated 01.05.2024 passed in Cr. Misc. No. 25104 of 2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and the other accused persons have been granted anticipatory bail by this Court, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Daudnagar, Aurangabad in connection with Haspura



P.S. Case No. 246 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed 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. 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.

iii. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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