

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77276 of 2023

Arising Out of PS. Case No.-295 Year-2023 Thana- DAUDNAGAR District- Aurangabad

Abhay Choudhary @ Abhay Kumar S/O Jay Prakash Chaudhary R/O Vill -
Mali Tola, Ward No. 05, P.S. - Daudnagar, Distt. - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 26-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Daudnagar P.S. Case No. 295 of 2023 lodged on 18.05.2023
under Sections 147, 148, 149, 341, 323, 302, 120B of the Indian
Penal Code.

3. As per the prosecution case, the FIR has been
lodged against four named accused persons, including the
present petitioner. The allegation against the present petitioner is
that he has assaulted the informant with an iron rod.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offense. From the
contents of the FIR, it transpires that the specific allegation of



assault is against co-accused Som Chaudhary and Ramavatar Chowdhary having assaulted Ramji Yadav on his nose and ear with an iron rod. The allegation against the petitioner is omnibus and general. Learned counsel further submits that the case diary as well as the post-mortem report has been called for. From the post-mortem, the injury has been found on the skull, mouth, and nose and the rest of the injuries have been found on the elbow and thigh. Learned counsel submits that the injury of mouth and skull has been specifically alleged to be made by different accused persons other than the petitioner. Counsel submits that the antecedent of the petitioner is clean and he is in custody since 03.10.2023. Counsel submits that the name of the petitioner has been figured in this case only due to village politics.

5. Learned counsel for the State opposes the prayer for bail.

6. Upon specific query from the counsel for the petitioner whether the charge has been framed or not, the learned counsel for the petitioner submits that he is not aware of the fact whether the charge has been framed or not.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named



be released on bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad (Bihar), subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

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