

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81648 of 2024

Arising Out of PS. Case No.-22 Year-2022 Thana- KORHA District- Katihar

Santosh Chaudhary @ Musba Son of Sukhai Chaudhary Resident of Village-
Madhura (Tirashi), PS- Korha, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 04-12-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Korha P.S. Case No. 22 of 2022, dated 15.01.2022, registered for the offences punishable under Sections 341, 323, 324, 307, 354B, 379, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, there is allegation of assault against the petitioner and other co-accused.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the informant and accused side are agnates and on account of family dispute, there was an altercation, but there was no injury on either side of the parties. He



further submits that counter case has also been filed by the petitioner. He also refers to order passed by learned Trial Court in which it has been stated that in the whole case diary, there was no injury report.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has no criminal antecedent.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000 /-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. C.J.M, Katihar, in connection with Korha P.S. Case No. 22 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court



below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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