

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6210 of 2024

Arising Out of PS. Case No.-164 Year-2023 Thana- ASHTHAWAN District- Nalanda

Raghunath Chaudhary @ Bauna Chaudhary @Baunu S/O Late Tula
Chaudhary R/O Vill-Jiyar, Ps-Asthawan, Dist-Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan Prasad No. 1, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
S. Tr. NO. 840/2023 (arising out of Asthawan P.S. Case No.
164/2023) lodged on 07.07.2023, under Sections 147, 148, 149,
341, 302, 342, 120B of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against
seven named and 4 to 5 unknown accused persons including the
present petitioner against whom the allegation of killing the
husband of the informant is there.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. In fact, the
petitioner has been named in this case due to dirty village
politics. The informant is not an eyewitness to the occurrence.



From the contents of the FIR, it transpires that there is no specific allegation against the petitioner rather the accusation levelled against him is omnibus and general being member of a mob. The petitioner is in custody since 21.07.2023. Petitioner is accused in one more criminal cases in which, he has been granted bail. The charge has already been framed and the trial has been commenced. The petitioner is ready to abide by all the conditions whatsoever may be imposed upon him.

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

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed, and on being satisfied that petitioner is not absconding in Asthawan P.S. Case No.65 of 2023**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII, Nalanda at Bihar Sharif, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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