

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28134 of 2025

Arising Out of PS. Case No.-211 Year-2024 Thana- PHULWARIA District- Begusarai

1. Santosh Choudhary @ Santosh Chaudhary @ Santosh Chaudhari S/o Sahdev Chaudhary @ Sahdeo Chaudhary R/o Village- Phulwaria-03, (Phulwaria), Ward No.02 Barauni Nagar Parishad, Post- Barauni, P.S.- Phulwaria, District- Begusarai
2. Sudhir Kumar @ Sudhir Chaudhary @ Sudhir Choudhary S/o Santosh Choudhary @ Santosh Chaudhary @ Santosh Chaudhari R/o Village- Phulwaria-03, (Phulwaria), Ward No.02 Barauni Nagar Parishad, Post- Barauni, P.S.- Phulwaria, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-04-2025 Heard Mr. Sandip Kumar Gautam, learned counsel for the petitioners and Mr. Syed Ehteshamuddin, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Phulwaria P.S. Case No. 211 of 2024, F.I.R. dated 02.12.2024 for the offences punishable under Sections 126(2), 115(2), 303(2), 109, 352, 351(2), 3(5) of Bharatiya Nayay Sanhita, 2023.

3. According to prosecution case, the informant alleged that when he along with his sons were going to attend a marriage ceremony, petitioners along with other accused persons arrived and assaulted them.



4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. Although the petitioners are named in the FIR but from bare perusal of the FIR it transpires that there is no specific allegation against the petitioner rather there is specific allegation of assault against co-accused persons, namely, Chandan Kumar, Nitish Choudhary and Manish Choudhary.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that the petitioner no. 1 carries four criminal antecedents and petitioner no. 2 carries three criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioners are on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, there is no specific allegation against the petitioners, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Begusarai in connection with Phulwaria



P.S. Case No. 211 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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