

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72336 of 2024

Arising Out of PS. Case No.-71 Year-2020 Thana- SARE District- Nalanda

Shambhu Chaudhary Son of Late Deena Chaudhary Resident of Vilalge-
Gilani, P.S.- Sare, Distt.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bipin Kumar, Advocate
		Mr. Vanshika Nupur, Advocate
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 17-02-2025 Heard the learned counsel for the parties.

2. This is the 2nd attempt of the petitioner. Earlier the bail application of the petitioner was rejected vide order dated 20.02.2024 passed in Cr. Misc. No. 9550 of 2024.

3. The petitioner seeks regular bail in a case registered for the offence under Sections 341, 504, 308, 354, 34, 302 of the Indian Penal Code.

4. The following order was passed on 20.02.2024 in Cr. Misc. No. 9550 of 2024:-

Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Sare P.S. Case No. 71 of 2020 registered for the offence under Sections 341, 504, 308, 354, 34, 302 of the Indian Penal Code.

3. As per the prosecution case, for a trivial dispute, the parties started fighting on the



road in which the petitioner is said to have assaulted the victim who sustained head injury and the deceased died after two days.

4. Learned counsel for the petitioner submits that the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case.

5. It is also submitted by the learned counsel for the petitioner that the petitioner is in jail since 24.10.2023.

6. Learned APP for the State vehemently opposed the prayer of the petitioner for grant of bail by contending that the petitioner is the assailant of the deceased.

7. Considering the fact that the petitioner is the assailant of the deceased though the deceased died after two days of the incident, this Court is not inclined to grant bail to the petitioner to the petitioner for the present.

8. Accordingly, this application is dismissed.

9. The Court below is directed to expedite the trial of the petitioner and if there is delay in the trial of the petitioner because of the prosecution side, then the petitioner may renew his prayer for bail.

5. From the report of the Trial Court it appears that only one witness has been examined in this case. It appears that the prosecution is delaying the trial.

6. Considering the fact that the deceased died after two days of occurrence and also considering the delay in trial, this application is allowed.

7. Accordingly, let the petitioner, above named, 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 Additional District and Sessions Judge-XII, Bihar Sharif, Nalanda/concerned Court below in connection with Sare P.S. Case No. 71 of 2020 subject to condition that:-

7(i) The petitioner shall appear in the trial regularly either personally or through his lawyer and shall cooperate in the trial and non-cooperation in the trial shall result in cancellation of the bail bond of the petitioner.

(Sandeep Kumar, J)

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