

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84439 of 2024

Arising Out of PS. Case No.-210 Year-2024 Thana- MADANPUR District- Aurangabad

Pyarelal Chaudhary @ Kail Chaudhary @ Ram Payare Lal Chaudhary S/O
Mantu Chaudhary Resident of Khiriawa Pasi Tola, P.S- Madanpur, Distt.-
Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Singh, Adv.

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Madanpur P.S. Case No. 210 of 2024 instituted for the offences
under Sections 326, 307, 353, 34 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, the police has recovered 50
liters of illicit country-made liquor from the motorcycle bearing
Regd. No. BR02U8877. It is also alleged that one injured
namely Yogeshwar Kumar @ Guddu has also sustained knife
blow by the unknown miscreant who was accompanying the
petitioner on the motorcycle. On *hulla*, both the accused persons
including the petitioner, leaving the alleged motorcycle, fled



away from there.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case on the basis of the suspicion. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature rather the specific allegation of knife blow upon the injured is on another unknown accused person. The petitioner is not the owner of the alleged seized motorcycle. The petitioner has no concern with the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has three criminal antecedents and is languishing in judicial custody since 28.05.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no specific allegation of any overt act,



let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Madanpur P.S. Case No. 210 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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