

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88098 of 2024

Arising Out of PS. Case No.-276 Year-2021 Thana- KHAGARIA District- Khagaria

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Anil Choudhary Son of Late Ram Parikshan Choudhary Resident of Village - Charkhutti, Rahimpur, P.S. - Mufassil, District - Khagaria at present resident of Mohalla - Jai Prakash Nagar, Ward No.23, Police Station - Khagaria (Mufassil), District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Viveka Nandsingh, Advocate
For the State	:	Ms. Nirmala Kumari, APP
For the Informant	:	Ms. Priya Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-02-2025 Heard Mr. Viveka Nandsingh, learned counsel for the petitioner and Ms. Priya Kumari, learned counsel for the informant as well as Ms. Nirmala Kumari, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 28.05.2022, in connection with S.C. No. 267/2023 of 132/2023 arising out of Khagaria (Muffasil) P.S. Case No. 276/2021, FIR dated 29.03.2021 registered for the offence under Sections 341, 302, 307/34 of the Indian Penal Code.

3. Earlier the prayer for bail of the petitioner was rejected by the co-ordinate Bench of this Court vide order dated 18.03.2023 passed in Cr. Misc. No. 52410 of 2022. Thereafter, the petitioner has again moved for grant of regular bail in Cr.



Misc. No. 72650 of 2023 which was rejected by a co-ordinate Bench of this Court vide order dated 12.01.2024. Thereafter, the petitioner again moved for grant of regular bail in Cr. Misc. No. 58333 of 2024 and the same was withdrawn vide order dated 25.09.2024 with the liberty to the petitioner to move before the learned Court below.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the petitioner is in custody since 28.05.2022 but the trial is not concluded as yet.

5. Vide order dated 10.01.2025, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 20.01.2025 reveals that out of nine charge-sheet witnesses, two witnesses have been examined as yet and the case is pending for the examination of the rest prosecution witnesses.

6. Learned counsel for the informant as well as learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submit that



petitioner carries twenty-seven more cases other than the present.

7. Learned counsel for the petitioner submits that earlier the co-ordinate Bench of this Hon'ble Court has granted the liberty to the petitioner that if the trial is not concluded within a period of six months the petitioner has liberty to pray for bail.

8. Considering the aforesaid facts as well as report of the learned trial Court as well as period of custody, let the, above named, petitioner 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 learned District and Additional Sessions Judge V, Khagaria in connection with S.C. No. 267/2023 of 132/2023 arising out of Khagaria (Muffasil) P.S. Case No. 276 of 2021 with the following conditions:-

(i) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) If the petitioner tampers with the evidence or



the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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