

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24912 of 2015

Arising Out of PS.Case No. -420 Year- 2014 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Timal Chaudhary Son of Babu Lal Chaudhary
 2. Raju Kumar Son of Pujari Chaudhary Both are of resident of village - Goriapatti, Police Station - Bagaha, District - West Champaran (Bettiah))

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Asha Devi(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 07-10-2015 Heard the learned counsel for the petitioners as well as the learned A.P.P.

The petitioners seek bail in a case for the offences punishable under sections 363 and 365 of the I.P.C

Allegedly, the petitioners were searching the son of the informant and came at her house and asked about Manu @ Manwa, whereupon the informant disclosed that he is not at home, in that way the petitioners came thrice searching the son of the informant and while returning both claimed that when Manu will be found he would be killed and since then Manu @ Manwa is traceless. Manu has also heard talking the petitioners that they

would kill Angad @ Nate and Golu and this fact was disclosed by Manu to Angad @ Nate Choudhary.

Submission is of false implication and that there is no material in the case diary by which it can be said that the petitioners were seen with the son of the informant. Further witnesses in paragraphs- 91 and 92 of the case diary had stated that against the accused petitioners there is no adverse report and the petitioners are suffering in custody since 16.03.2015, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail by submitting that the victim is still traceless.

In the facts and circumstances as stated above, considering that there is no direct evidence against the petitioners and now charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M. Bagaha, West Champaran (Bettiah) in Bagaha P.S. Case No. 420 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within

the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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