

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41001 of 2014

Arising Out of PS.Case No. -297 Year- 2004 Thana -TAJPUR (Halai O.P.) District- SAMASTIPUR

- =====
1. Chandra Shekhar Choudhary, S/o Late Vyasdeo Chaudhary
 2. Dipak Kumar Choudhary, S/o Chandra Shekhar Choudhary
- Both residents of Village- Jorepura, P.S.- Tajpur (Halai O.P.), District- Samastipur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners :

For the Opposite Party :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

2 04-03-2015 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend arrest in connection with Tajpur (Halai O.P.) P.S. Case No. 297 of 2004 dated 28.10.2004 instituted under Sections 364/302/201/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that though they were named in the F.I.R. but only in the context of the two missing persons, who were taken from their home by others, and said to have been seen with the petitioners in the market place as well as residence and the petitioners are father and son. It is submitted that the petitioner no.1 is the school



teacher and both have clean antecedent. Learned counsel submits that the deceased was a veteran criminal due to which the police have submitted final form showing it to be a case of no clue. However, the Court has taken cognizance against all the named accused including the petitioners on 05.03.2013. Learned counsel submits that even the reason given in the F.I.R. that one of the missing persons had taken Rs.1,000/- from the petitioner no.1 and even after having returned the petitioner was still putting pressure is unbelievable since it cannot be said that for Rs.1,000/- the petitioner would go to the extent of killing two persons. It is submitted that nothing incriminating has come against the petitioners and the court has also taken cognizance against them without there being any basis and at best even if the prosecution version is believed, the two missing persons, who were taken by three other persons were only seen in the company of the petitioners at the market place as well as their residence. It is pointed out that the alleged incident is said to have taken place on 14.10.2004 whereas the F.I.R. was lodged only on 28.10.2004 and for this inordinate delay there is no explanation.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within four weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate, 1st Class, Samastipur in Tajpur (Halai O.P.) P.S. Case No. 297 of 2004, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J)

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