

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.651 of 2017

Arising Out of PS.Case No. -366 Year- 2015 Thana -BIHTA District- PATNA

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Amirchan @ Amir Chandra Chaudhary @ Amirchan Chaudhary, Son of
Ramrup Chaudhary, Resident of Village - Janpara, P.S. - Rani Talab,
District Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

3 01-05-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Sessions Trial No.776 of 2015, arising out of Bihta P.S. Case
No.366 of 2015, registered under Sections 302 and 201/34 of the
Indian Penal Code, pending in the court of the Additional Session
Judge-VI, Danapur, Patna.

The accusation is that on 17.05.2015, Kundan Kumar and
Pradeep Kumar, the younger brother and the cousin brother
respectively of the informant Dashrath Choudhary, after taking the
dinner, went to the platform of Durgaji Temple to sleep. In the
morning of 18.05.2015 at about 05.30 A.M., hulla was raised



about hanging of the dead body of Kundan Kumar after committing his murder. Thereafter, the informant went there and his cousin brother Pradeep Kumar told him that Laddu Kumar, Subhash Choudhary, Amirchand Choudhary (petitioner), carried away Kundan Kumar after folding Gamchcha on his mouth and due to fear, he did not raise hulla.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that except Pradeep Kumar, the cousin brother of the informant, no one has supported the prosecution case. In fact, the petitioner is the relative of the co-accused Laddu Kumar with whom there is dispute of the informant and due to that reason, the petitioner has also falsely been implicated in this case, while the house of the petitioner is situated about 25 kilometers away from the place of the occurrence.

Having considered the facts and the circumstances of the case and the nature of allegation, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being



prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

P.S./-

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