

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60468 of 2017

Arising Out of PS.Case No. -529 Year- 2017 Thana -PURNEA SADAR District- PURNIA

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1. Jitendra Chaudhary @ Jitendra Kumar Chaudhary,
 2. Kailash Chaudhary, Both are the son of Hari Chaudhary, Resident of Mohalla- Kuskibag Hat, Police Station- Sadar, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kanhaiya Pd. Singh, Sr. Adv.
Mr. Niranjan Kumar, Adv.
Mrs. Sinota Prasad, Adv.
Mr. Santosh Kumar, Adv.

For the Opposite Party/s : Mr. Satyendra Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 13-03-2018 Heard the learned counsel for the petitioners and the

learned counsel for the State.

The petitioners seek anticipatory bail in connection with Purnea Sadar PS case no. 529 of 2017 registered for the offences punishable under Sections 147, 148, 149, 341/323 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding co-accused persons along with the petitioners herein having surrounded the informant and the deceased person, whereafter the co-accused person, namely, Birendra Kumar Choudhary is said to have shot at the deceased, resulting in his death.



The learned senior counsel for the petitioners submits that as far as the FIR is concerned, the same would show that the petitioner no.1 has been alleged to have only pushed the informant with his leg and as far as the petitioner no.2 is concerned, there is no allegation regarding any sort of overt act. However, considering the criminal records of the petitioners herein, the learned senior counsel submits that the petitioners are ready to be put to any terms by this Court for the purposes of grant of anticipatory bail.

Per contra, the learned counsel for the informant has submitted that the accused persons are continuously threatening him, however, he has failed to show anything from the record of the case regarding the complicity of the petitioners in death of the deceased.

Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the petitioners to deposit a sum of Rs. 25,000/- each before the Nazarat of the concerned court within a period of four weeks from today and thereafter the petitioners herein should surrender within the said period before the concerned court upon which they would be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the



satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Purnea Sadar PS case no. 529 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

It is further directed that in case the informant approaches the concerned court for withdrawal of the said amount of 50,000/-, the court concerned shall give the said amount to the informant upon verification. It is made clear that a sum of Rs. 50,000/- so deposited before the learned court below would be non-refundable and not subject to final result of the case.

At this juncture, the learned counsel for the informant submits that the informant would not be withdrawing the said amount since the said amount can not compensate the loss of the informant. In such view of the matter, the aforesaid order is modified to the extent that the said amount of Rs. 50,000/- shall be deposited before the Patna High Court Legal Services Authority, Patna within a period of two weeks from today, which shall not be disbursed to the informant.

It is further directed that the petitioners shall join investigation and would be present as and when they are called by the investigating agency. Any non-cooperation with the prosecution will result in cancellation of the present privilege of



anticipatory bail, for which the investigating Officer/ prosecuting agency shall be free to approach this Court.

It is further directed that the petitioners would mark their presence before the Officer Incharge of the concerned Police Station at 10 A.M. on each and every Monday of the month and on account of their failure on two consecutive occasions to mark their attendance, the present privilege of anticipatory bail shall stand cancelled automatically.

I further give liberty to the informant of this case to move this Court for cancellation of the privilege of anticipatory bail being granted to them in case of him being threatened by the petitioners, upon lodging of appropriate FIR/Complaint in this regard.

(Mohit Kumar Shah, J)

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