

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51572 of 2018

Arising Out of PS.Case No. -119 Year- 2018 Thana -BODHGAYA District- GAYA

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Upendra Chaudhari, son of Bhola Chaudhari, resident of Village- Bakrour,
P.S.- Bodh Gaya, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Sinha, Advocate.

For the Opposite Party : Smt. Gulnar Begam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-09-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 363 and 365 of the IPC.
Later on, Sections 302, 201 and 120(B)/34 of the IPC were also
added.

The prosecution story, in brief, is that on 18.02.2018
the husband of the informant had gone to bring *Chiraiya* from
Bakraul, bank of the river, orchard of '*Bair*' who did not return
and his mobile was found switched off and later on it was revealed
that there was involvement of FIR named accused in
disappearance of her husband.

It has been submitted by learned counsel for the



petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. There is no eye witness to the alleged occurrence. Petitioner is not named in the FIR. The name of the petitioner has inspired in the present case merely on the basis of confessional statement of co-accused. Except for confessional statement of co-accused, there is no substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gaya, in connection with Bodh Gaya P.S. Case No. 119/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

