

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59020 of 2018

Arising Out of PS. Case No.-485 Year-2017 Thana- BAGHA District- West Champaran

Ramdhyan Chaudhary S/o Late Bindhyachal Choudhary, R/o Vill.- Kalighat,
P.S.- Bagaha (Path Khouli), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra

For the Opposite Party/s : Mr. Chaubey Jawahar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-09-2018 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is languishing in judicial custody since
16.07.2018 in connection with Bagaha (Patkhoul) P.S. Case
No. 485/2017 for offences punishable under Sections 364
and 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant,
is that one Brijbhan Choudhary called the informant's
husband to take him in his boat and cross the river,
whereupon two persons, namely, Mahendra and Ashok also
came and sat on the boat. The petitioner along with two
others as well as co-accused Brijbhan Choudhary also sat on
the boat and when the informant's husband demanded Rs.
1,50,000/-, which was due to be paid by co-accused Brijbhan



Choudhary, there was altercation and assault and when Mahendra and Ashok informed the informant and came to the boat the informant's husband was found missing.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that the main co-accused Brijbhan Choudhary has already been granted the privilege of bail by a co-ordinate Bench of this Court along with one another in Cr. Misc. No. 21233 of 2018 vide order dated 28.06.2018 and the ingredients of Section 364 of the IPC is not made out against the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Bagaha, West Champaran in connection with Bagaha (Patkhoul) P.S. Case No. 485/2017, subject to the condition that one of the bailors would be a close relative of the



petitioner having sufficient immovable property, who will
file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

Rajesh/pragya

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