

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.21233 of 2018**

Arising Out of PS.Case No. -485 Year- 2017 Thana -BAGHA District-  
WESTCHAMPARAN(BETTIAH)

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1. Brajbhan Choudhary, Son of Late Prahlad Choudhary, resident of Kali Ghat Malkauli, P.S. Bagaha (Pathakauli), District West Champaran.  
2. Sonu Kumar Son of Ramashankar Gond, resident of Malkauli, P.S.- Bagaha (Pathakauli), District West Champaran.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ramchandra Sahni

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

4      28-06-2018                      Heard the learned counsel for the petitioners and  
the learned APP for the State.

The petitioners seek regular bail in connection with Bagaha (Pathakauli) PS case no. 485 of 2017 instituted for the offences punishable under Sections 364/34 of Indian Penal Code.

The allegation is regarding the victim having gone across the river towards the side of the State of Uttar Pradesh for the purpose of loading consignment of liquor and thereafter, he is said to have come back with the consignment and other persons towards the side lying in the State of Bihar whereafter altercation of the petitioners is said to have taken place with the victim which was seen by two witnesses namely Mahendra and Ashok,



whereupon the said witnesses are said to have fled away by jumping into the river.

The learned Senior counsel for the petitioners submits that there is no circumstantial evidence even to show that the ingredients required for constituting an offence under Section 364 of Indian Penal Code is available in the present case so as to implicate the petitioners in the present case. It is further submitted that the victim is still traceless and the petitioners have been falsely implicated in the present case as well as they are languishing in custody since 29.01.2018. Lastly, it is submitted that apart from one case under Excise Act pending against the petitioners herein, they are having clean antecedents.

Having regard to the facts and circumstances of the case, the abovenamed petitioners are directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bagaha at West Champaran in connection with Bagaha (Pathakauli) PS case no. 485 of 2017.

It is further directed that the petitioners shall mark their presence before the officer-in-charge of the concerned police station at 10 am on every Monday and in case of failure to do so



on two consecutive occasions, the present privilege of bail shall stand cancelled automatically.

**(Mohit Kumar Shah, J)**

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