

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2776 of 2019

Arising Out of PS. Case No.-119 Year-2018 Thana- BANMANKHI District- Purnia

Natwar Chaudhary @ Natwar Kumar Chaudhary aged about 28 years (male)
son of Ghanshyam Chaudhary Resident of Village- Pipra, Karoti, P.S.-
Udakishunganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan, Advocate
Mr. Sarwar Ahmad, Advocate.
For the Opposite Party/s : Mr.Md. Arif (App 105)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 28-02-2019 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner is in custody since 01.07.2018 in
connection with Banmankhi P.S. Case No. 119 of 2018
for the offence registered under Sections 302, 120B of
the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that
though the petitioner is not named in the first
information report, subsequently, the name of the
petitioner surfaced on the basis of suspicion and upon
some information given by spy, who also took the name



of the present petitioner along with one co-accused, Pritam Chaudhary. He further submits that he was arrested on 01.07.2018 and his confession was recorded before the police, which has no evidentiary value in the eye of law. He further submits that on the basis of said confession, certain arms were recovered from possession of the petitioner but the said recovery of arms is nothing but a manufactured document by the Investigating Officer. He further submits that the petitioner has only one other criminal antecedent under Section 25 (1) (b) (a) of the Arms Act and he is willing to furnish sureties to the satisfaction of the Court below. He further submits that there is no eye witness to the occurrence and the informant has herself admitted that when she heard the sound of firing, she went there and thereafter, she found her husband dead.

Considering the aforesaid facts and circumstances of the case and that the petitioner's name has come on mere suspicion and that he is the nephew of the deceased, in close proximity of relationship and



undertakes not to abscond and to cooperate in the investigation, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Purnea in connection with Banmankhi P.S. Case No. 119 of 2018, subject to the following conditions:-

1. One of the bailors will be his own blood relative, preferably, father, mother, son, brother, sister and/or his wife.

2. The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

3. The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

4. The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of



failure, the State shall be at liberty to move for
cancellation of bail.

(Anjana Mishra, J)

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