

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11283 of 2019

Arising Out of PS. Case No.-350 Year-2018 Thana- DINARA District- Rohtas

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1. HARENDRA CHAUDHARY @ HARENDRA CHAUDHARI son of Anant Chaudhary Resident of Village- Belaon Tola, P.S.- sikraul, District- Buxar.
 2. Anant Chaudhary Son of Seetaram Chaudhary Resident of Village- Paniari Bhola Ka Dera, P.S.- Sikraul, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 17-05-2019 Learned counsel for the petitioners appears and submits that the petitioner no.2, namely, Anant Chaudhary, has already been arrested by the police in the case and seeks permission to withdraw this application in respect of the petitioner no.2, above named.

Permission is accorded.

This application in respect of the petitioner no.2, above named, is dismissed as withdrawn.

Now, today, only the prayer of the petitioner no.1, namely, Harendra Chaudhary alias Harendra Chaudhari, for grant of privilege of pre-arrest bail is being considered.

Heard.

The petitioner no.1, above named, apprehend his arrest in connection with Dinara P.S. Case No.350 of 2018 registered under



Sections 302 and 201/34 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that in the night of 14/15.09.2018, Baijnath Sah alias Sona Sah, the father of the informant Nishant Kumar Gupta, was sleeping at his Dalan. When in the morning of 15.09.2018, the informant came at Dalan, then he saw the door of the Dalan opened and his father was not there. Thereafter, the informant and others started to search his father. In the meantime, the informant received information that a dead body is lying in Badhar at village-Nisi, P.S. Dinara, District-Rohtas, then the informant went there and found that the dead body of his father has been thrown after committing his murder by firing shot. The mobile phone of the father of the informant was also missing.

Learned counsel for the petitioner no.1, above named, submits that the petitioner no.1 is not named in the F.I.R. as on the basis of the written report of the informant, the present case was lodged against unknown. In course of investigation, the police got recorded the confessional statement of Lakshman Chaudhary alias Lakshan Chaudhary, who confessed his guilt and disclosed the name of the petitioner no.1 and others having hand in the commission of the murder of the father of the informant. Except that, no material has been collected by the Investigating Officer against the petitioner no.1 in course of investigation. Further submission is that, in fact, the village of the petitioner no.1 and Lakshman Chaudhary alias



Lakshan Chaudhary is adjacent to each other and due to old enmity, Lakshman Chaudhary alias Lakshan Chaudhary has disclosed the name of the petitioner no.1 in the commission of the alleged offence.

Having considered the facts and the circumstances of the case, let the petitioner no.1, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Lal Bihari Paswan, Judicial Magistrate, First Class, Bikramganj (Rohtas) in connection with Dinara P.S. Case No.350 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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