

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82784 of 2019**

Arising Out of PS. Case No.-96 Year-2019 Thana- SULTANGANJ District- Bhagalpur

DEVA NAND CHOURASIYA @ DEVANAND CHOURASIYA @
DEVANAND @ VIDHAYAK Son of Shankar Prasad Modi Resident of Modi
Tola, P.S. Sultanganj, District -Bhagalpur.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Shiwesh Chandra Mishra, Advocate.
For the State : Ms. Renuka Ratnakar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 13-12-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Sultanganj P.S. Case No.96 of 2019 registered under
Sections 302/34 of the Indian Penal Code besides Section 27 of
the Arms Act.

The accusation is that in the late evening of
29.04.2019, the informant Suraj Mahaldar received information
about lying the dead of his younger brother Dhiraj in an orchard,
situated in village-Mirjagaon. Thereafter, the informant went
there and saw the dead body of his younger brother Dhiraj and
his friend Navtej Kumar Thakur. Before some days, Binod
Mahaldar, the father of the informant, during his life time, had



given Rs.4,00,000/- to Ashok Mandal, who is criminal in nature, to purchase the land but, later on, the informant and others refused to purchase the land and made request to Ashok Mandal to return the money but he did not pay any heed. On 29.04.2019 at about 02.30 P.M., when the informant was returning to his house passing through the Mirjagaon orchard, then saw Inta Yadav, Vikram Yadav, Akash Mandal, Ashok Mandal, Nitish Choudhary, Kundan Modi, Perwez and this petitioner, who were taking the liquor, but the informant went to his house. At about 04.00 P.M., Anguri Mian came on motorcycle at the house of the informant and accompanied his younger brother Dhiraj. Thereafter, rumour spread about the murder of his younger brother Dhiraj. The informant raised suspicion against the aforesaid persons including the petitioner having hand in the murder of his brother.

Learned counsel for the petitioner submits that the petitioner has passed Matriculation and I.Sc. Examination in First Division and is the student of I.T.I. College of Munger. Due to ill motive, the petitioner has falsely been implicated in this case. Moreover, it would appear from the F.I.R. that the informant is not an eye witness to the occurrence. On mere suspicion, the informant has disclosed the name of the petitioner



and others in this case.

Having considered the facts and the circumstances of the case, let the petitioner, 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 the Additional Chief Judicial Magistrate-I, Bhagalpur, in connection with Sultanganj P.S. Case No.96 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

