

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21264 of 2020

Arising Out of PS. Case No.-150 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

=====

Amresh Choudhary Son of Late Parmanand Choudhary Resident of Village -
Mehda Sahpur, P.S.- Cheriabariarpur, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr.Nilesh Kumar, Advocate
For the Informant	:	Mr. Surendra Prasad Singh, Advocate
For the State	:	Mr. Ram Chandra Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 22-09-2020 Heard learned counsel for the petitioner, learned APP

for the State and learned counsel for the informant through

video conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Cheriya Bariyarpur P.S.
Case no. 150 of 2019 registered under sections 363, 364 and
120B of the Indian Penal Code to which section 302 of the
Indian Penal code was added subsequently.

As per allegation in the FIR, it is stated by the
informant that on the date of occurrence while he along with his
brother were sitting, the five named accused persons came and
called for his brother. It is stated that on the informant asking
the accused persons the reason for searching for his brother, it is



stated that they said that they had some work. It is further stated that his brother has not returned home and he suspects that his brother has been kidnapped and murdered.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false. From the FIR itself it would be evident that no force has been used by any of the accused persons. From the materials that has transpired in course of investigation, it can at best be said to be a case of last seen. There is no eye-witness to the occurrence. It is further submitted that at best the case against the petitioner is one of suspicion. The petitioner who is in custody since 10.1.2020 has no criminal antecedent. The investigation in the case has already concluded and the case of the petitioner stands on a similar footing to that of co-accused B.P. Singh @ Amar Singh who has been enlarged on bail vide order dated 13.8.2020 passed in Cr. Misc. no. 15057 of 2020 (Annexure 2 to the supplementary affidavit).

The application for bail is opposed by learned APP for the State as also learned counsel for the informant. It is submitted by learned counsel for the informant that the petitioner is named in the FIR and there is direct allegation against him along with others of having taken the brother of the



informant who was thereafter found to have been killed. It is submitted that the petitioner and others having been last seen in the company of the brother of the informant who was soon thereafter found to be murdered, there remains no doubt that the petitioner has a hand in the same. The petitioner, after the occurrence was not found at his residence. It is further submitted that in the postmortem report, in the opinion of the doctor, the cause of death was due to asphyxia as a result of strangulation. It was the petitioner and others who had taken the brother of the informant for Panchayati to a secluded place. It is submitted that the application for bail of the petitioner be rejected. It is lastly submitted by learned counsel that he has oral instruction that informant is being pressurized by the accused persons to enter into a compromise. He submits that in case the petitioner is found tampering with evidence, his bail should be cancelled.

Having heard learned counsel for the parties and taking into consideration the fact that the allegation against the petitioner is one of last seen, the petitioner being in custody since 10.1.2020, investigation in the case having been concluded and grant of bail to the co-accused, the Court is inclined to enlarge the petitioner on bail. The petitioner is



directed to be enlarged on bail in connection with Cheriya
Bariyarpur P.S. Case no. 150 of 2019 on furnishing bail bond of
Rs. 10,000/ (Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned Additional Chief Judicial
Magistrate, Begusarai.

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

