

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22996 of 2020

Arising Out of PS. Case No.-137 Year-2019 Thana- AMDABAD District- Katihar

1. LAKHAN CHOUDHARY @ RAM LAKHAN CHOUDHARY Son of Late Raju Choudhary Resident of Village - Ghisu Tola, Gopalpur, P.S.- Muffasil, Sahebganj, District - Sahebganj, State - Jharkhand.
2. Dhanua Choudhary @ Dhannu Choudhary Son of Lakhan Choudhary Resident of Village - Ghisu Tola, Gopalpur, P.S.- Muffasil, Sahebganj, District - Sahebganj, State - Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajni Kant Jha, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 27-11-2020 Heard Mr. Rajni Kant Jha, learned counsel for the petitioners and Dr. Ajeet Kumar, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Amdabad P.S. Case No. 137 of 2019 registered for the offences punishable under Sections 302, 201, 354(B)/34 of the Indian Penal Code, 1860 and Section 8 of POCSO Act.

The allegation as per the First Information Report is that on 7.8.2019 at about 4:00 p.m. when the daughter and niece of the informant had gone to pluck vine gourd



(*parwal*) in the field, they were accosted by brother of co-accused Kaliya Choudhary namely, Ajay Choudhary along with 4-5 co-accused persons. Thereafter, daughter and niece of the informant were caught and taken to a bush. This information was given to the informant by her sister-in-law (*Gotni*) and on the next day i.e. on 8.8.2019, the dead body of both, i.e. the daughter and niece of the informant were found lying in the field of Shyam Bihari Choudhary.

Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case on the basis of suspicion and the confessional statement of co-accused Kalia Choudhary @ Biran Choudhary. Learned counsel further submits that even if the confessional statement of Kalia Choudhary is taken into account on its face value, he has stated that the petitioner No. 1 has allegedly slit throat of both the deceased, but from perusal of the First Information Report it would be evident that there is no cut injury on the throat and on the contrary the deceased have died of Asphyxia due to strangulation. Learned counsel also submits that co-accused Kalia



Choudhary has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. 81511 of 2019. Learned counsel next submits that petitioners are father and son and they are in custody since 11.11.2019.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that co-accused Kalia Choudhary, on whose confessional statement, the name of the petitioners have transpired, has been granted regular bail by a co-ordinate Bench of this Court and the petitioners are in custody since 11.11.2019, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Amdabad P.S. Case No. 137 of 2019 subject to the following conditions:-

(i) that both the bailors shall be resident of the territorial jurisdiction of



the learned court below.

(ii) that the petitioners will be well represented on each date in the trial and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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