

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23108 of 2020

Arising Out of PS. Case No.-129 Year-2019 Thana- MAHARAJGANJ District- Siwan

1. VIKASH KUMAR CHAUDHARY Son of Late Awadhesh Chaudhary Resident of Village - Sakari Bazar, Police Station - Maharajganj, District - Siwan.
2. Bablu Kumar Chaudhary Son of Late AWadhesh Chaudhary Resident of Village - Sakari Bazar, Police Station - Maharajganj, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the State : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 29-09-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 302, 201, 120(B)/34 of the Indian Penal Code.

Allegedly, Awadhesh Kumar Choudhary son of the



informant, who is said to be ASI posted in the district of Buxar, was found lying dead in Takipur Chanwar.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. The petitioners have not been specifically named in the FIR. Only suspicion has been raised that members of the family of the deceased i.e. Awadhesh Kumar Choudhary are involved in the present occurrence. Since the petitioners happen to be sons of the deceased, they have been made accused in the present case. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest the participation of the petitioners in the present case.

On behalf of the State, it is submitted that the petitioners are not specifically named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional



Chief Judicial Magistrate-V, Siwan in connection with
Maharajganj P.S. Case No. 129 of 2019 subject to the
conditions as laid down under Section 438(2) of the Code of
Criminal Procedure.

(Sudhir Singh, J)

A.K.V.//-

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