

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26834 of 2020

Arising Out of PS. Case No.-253 Year-2019 Thana- BATHNAHA District- Sitamarhi

1. LAXMAN CHOUDHARY Son of Sukeshwar Choudhary Resident of Village- Hari Bela, Police Station- Bathnaha, District- Sitamarhi.
2. Ajay Kumar Son of Laxman Choudhary Resident of Village- Hari Bela, Police Station- Bathnaha, District- Sitamarhi.
3. Vijay Choudhary @ Vijay Kumar Son of Laxman Choudhary Resident of Village- Hari Bela, Police Station- Bathnaha, District- Sitamarhi.
4. Nitu Kumari Daughter of Laman Choudhary Resident of Village- Hari Bela, Police Station Bathnaha, District- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, A.P.P.
For the Informant	:	Mr. Dinesh Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 30-01-2021 Heard learned counsel for the petitioners, learned counsel for the informant and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Bathnaha P.S. Case No. 253 of 2019 registered for the offence under Sections 302 and 201 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the prosecution story the son of the informant left his house in the night hours without informing anybody and thereafter he did



not return. On the next day his dead body was found on the western side of the village in a filed.

Learned counsel submits that petitioners have been made accused on mere suspicion, the petitioner no. 4 is unmarried girl and there is no eye witness of the alleged occurrence. According to him it is a case in which these petitioners have been made accused on mere suspicion.

Learned A.P.P. for the State and learned counsel for the informant submit that in course of investigation it has come that the deceased was in love affair with petitioner no. 4 and petitioner no. 4 was regularly talking to him from her mobile which contained a sim card obtained in the name of one of the friends of the petitioner no. 4. It is further informed that at about 1.00 A.M. on the said date the deceased received a call from the said mobile and he was asked to come to the house of the petitioners, it is on this call that the son of the informant had left his house but thereafter his dead body was found. It is their submissions that the strong circumstantial evidence is available on the record and that the relationship between the petitioner no. 4 and deceased was not liked by petitioner nos. 1, 2 and 3, they are involved in committing murder of the son of the informant.

Having regard to the facts and circumstances of the



case, in the nature of the materials available on the record as noticed herein above, this Court is not inclined to grant privilege of anticipatory bail to petitioner nos. 1, 2 and 3. Their prayer for anticipatory bail is thus refused.

Since the materials on the record indicate that the petitioner no. 4 was in love affair with the deceased and it is because of this relationship the other petitioners did not like, the alleged occurrence took place, this Court directs release of the petitioner no. 4 on bail, in the event of her arrest or surrender within a period of four weeks from today in connection with Bathanaha P.S. Case No. 253 of 2019, on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police



officer;

(iii) a condition that the person shall not leave India
without the previous permission of the Court.

This application stands partly allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

