

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37819 of 2021**

Arising Out of PS. Case No.-328 Year-2020 Thana- BELAGANJ District- Gaya

1. CHHOTU CHAUDHARY @ JAILAM CHAUDHARY @ JAYJANM CHAUDHARY Son of Thakur Chaudhary R/O Village Ore, P.S. Belaganj, District - Gaya.
2. Kapil Chaudhary Son of Thakur Chaudhary R/O Village Ore, P.S. Belaganj, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.  
For the Opposite Party/s : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      08-12-2021                      Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Belaganj P.S. Case No. 328 of 2020 registered for the offence under Sections 304(B) and 34 of the Indian Penal Code.

The petitioners along with his family members are said to have committed murder of daughter of the informant by handing her.

Learned counsel appearing for the petitioners



submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. In fact, the petitioners happen to be elder brothers of the husband of the deceased and they are living separately after partition amongst them. There is general and omnibus allegation against the petitioners and no specific allegation of any overt act is attributed to them. Moreover, although the entire F.I.R. has been lodged under Sections 304(B)/34 of the Indian Penal Code but the police after investigation has submitted charge-sheet against the petitioners under Section 302, 120(B), 323 and 34 of the Indian Penal Code. The petitioners are rotting in judicial custody since 14.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on 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 A.C.J.M.-II, Kaimur at Bhabhua in connection with Belgagnaj P.S. Case No. 328 of 2020 with the following conditions:-



(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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