

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32016 of 2020

Arising Out of PS. Case No.-220 Year-2020 Thana- FATUA District- Patna

Chhotu Chaudhary, aged about 27 years, M, s/o Brijnandan Chaudhary, r/o -
Station Road, Samaspur, Fatuha, P.S. - Fatuha, Distt. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N K Agrawal, Senior Advocate with Mr. Amresh Kumar Sinha, Ms. Preety Kunwar, Advocates
For the State	:	Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 25-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. N K Agrawal, learned senior counsel along with Mr. Amresh Kumar Sinha and Ms. Preety Kunwar, learned counsel for the petitioner and Mr. Amit Kumar Rakesh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Fatuha PS Case No. 220 of 2020 dated 18.03.2020, instituted under Sections 363, 302, 201, 120-B of the Indian Penal Code and 27 of the Arms Act, 1959.

4. The allegation against the petitioner, though not named in the FIR, is on the basis of statement of brother of the



deceased that he was also party to the murder.

5. Learned counsel for the petitioner submitted that neither in the FIR nor during investigation, any complicity of the petitioner has come; rather, the same relates to dispute of land where there have been cases in past between the families and murder of various family members have also taken place. It was submitted that even as per the FIR and the investigation, genesis of the present case is that there was dispute with regard to some lands sold from the side of the informant from which the deceased was asking his share. Learned counsel submitted that the petitioner is neither related to the parties nor has any interest in the lands in question, and has been named only on suspicion without any other material coming against him.

6. Learned APP, from the case diary, submitted that the brother of the deceased has named him. However, he could not controvert the fact that he has just raised suspicion and has stated that he was told that the petitioner was also one of the persons, who had killed his brother.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon



furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Patna City, in Fatuha PS Case No. 220 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.



9. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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