

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.814 of 2021**

Arising Out of PS. Case No.-227 Year-2020 Thana- SAMASTIPUR MUFFASIL District-  
Samastipur

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Jitendra Chaudhary @ Kashmiri Chaudhary, Son Of Ram Lochan Chaudhary,  
Resident Of Village - Suratpur, P. S. - Muffasil, Samastipur, District-  
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                            |   |                                                               |
|----------------------------|---|---------------------------------------------------------------|
| For the Petitioner/s       | : | Mr.Krishna Prasad Singh, Sr.Adv.<br>Mr. Alok Kumar Alok, Adv. |
| For the Opposite Party/s : |   | Mr.Lakshmi Kant Sharma, APP                                   |
| For the Informant          | : | Mr. Dharmendra Kumar Paswan, Adv.                             |

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

4      14-12-2021              Learned counsel for the petitioner undertakes to  
remove all the defects as pointed out by office within four  
weeks after start of normal functioning of the Court.

Heard Mr. Krishna Prasad Singh, learned senior  
counsel for the petitioner, Mr. Lakshmikant Sharma, learned  
APP for the State and Mr. Dharmendra Kumar Paswan, learned  
counsel for the informant.

The petitioner in the present case is seeking pre-arrest  
bail in connection with Samastipur Muffasil P.S. Case No.227 of  
2020 registered for the offences punishable under Sections 302,  
201 and 120(B) of the Indian Penal Code.

Learned senior counsel for the petitioner submits that



as per the FIR the grandson of the informant who was aged about 15 years had left his house after getting a mobile phone call from one number mentioned in the FIR, thereafter he did not return and later on his dead body was found. This petitioner has been named in the FIR as one of the conspirators.

Learned senior counsel submits that save and except suspicion there is no material against the petitioner. It is his further submission that co-accused Rahul who has made his statement under Section 164 Cr.P.C. has named Firoz, Vikash and Shiva as the persons who had participated in killing of the deceased. This petitioner is not named in his statement.

On the other hand, learned counsel for the informant and learned APP for the State submit that the petitioner is named in the FIR and in his 164 Cr.P.C. statement the co-accused Rahul Kumar has specifically stated in paragraph '14' that the co-accused Firoz had disclosed him that one Kashmiria had given Rs.2 lacs for killing of the grandson of the informant. It is, thus, their submission that the petitioner who is known by his alias name as Kashmiria does not deserve privilege of anticipatory bail.

Having regard to the materials placed before this Court, the fact that the case relates to gruesome murder of a



minor child, the name of this petitioner has been disclosed in the FIR itself as a conspirator and in the 164 Cr.P.C. statement the co-accused Rahul Kumar has disclosed the fact which came to his knowledge from another co-accused Firoz that this petitioner had provided a sum of Rs.2 lacs for the said killing, this Court is not inclined to grant privilege of pre-arrest bail to the petitioner. Prayer is refused.

This application is dismissed.

In case the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

**(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'.

