

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10087 of 2021

Arising Out of PS. Case No.-50 Year-2010 Thana- GURUA District- Gaya

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Bijay Chaudhary @ Vijay Choudhary Son of Gobardhan Chaudhary Resident
of Village - Tekka Bigha, P.S. - Salaiya, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-07-2021 Heard learned counsel for the petitioner and

learned A.P.P. for the State through video conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Gurua P.S. Case No.50
of 2010 registered under sections 302, 379 and 34 of the Indian
Penal Code.

As per allegation in the F.I.R., the elder son of the
informant started from the brick kiln for his house but did not
reach. On the next date, his dead body was found. Unknown
accused persons had taken away the mobile phone with two
SIM cards and Rs.1.2 lacs in cash.

It is submitted by learned counsel for the petitioner
that in course of investigation no direct or indirect material has



transpired to connect the petitioner with the alleged crime. The only reason for false implication of the petitioner is their being on inimical terms. It is submitted that it was in 2020 that the police forwarded the letter for issuance of warrant against the petitioner and others and subsequently on 26.8.2020, the petitioner was apprehended by the police from his house. He was not absconding. There are no eye witness to the occurrence. He is in custody since 27.8.2020 and has no criminal antecedent. He undertakes to abide by the conditions laid down by this Court for his being enlarged on bail.

The application for bail is opposed by learned A.P.P. for the State who submits that for an F.I.R. lodged in the year 2010, the petitioner absconded for about 10 years till he was arrested on 27.8.2020.

Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation together with the petitioner having remained in custody for more than 10 months, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Gurua P.S. Case No.50 of 2010 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned Judicial Magistrate 1st
Class, Sherghati, Gaya.

Taking into consideration that the case is of the
year 2010, it is directed that the petitioner shall cooperate in the
trial. In case, the learned trial Court is of the opinion that the
trial is being delayed due to non-cooperation on part of the
petitioner, the learned trial Court may cancel the bail bond of
the petitioner and take him into custody till the conclusion of the
trial.

(Partha Sarthy, J)

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