

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39466 of 2021

Arising Out of PS. Case No.-26 Year-2020 Thana- KHIJARSARAI District- Gaya

DARVESH CHAUDHARY @ BRIJESH CHAUDHARY S/O RAJESH CHAUDHARY RESIDENT OF VILLAGE SADHUNAGAR, PS KHIJSARAI, DISTRICT GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 10-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act to which sections 3 and 4 of the Dain Act was added subsequently.

As per the prosecution case, accused persons with their faces covered forcibly took away the husband of the informant towards the river. It is stated that subsequently it was found that her husband had been killed. The informant further states that her husband does the work of treatment (Ojha) and it was Rajesh Chaudhary, Darbesh Choudhary (the petitioner) and Satendra Paswan who had got her husband killed because of the



informant's husband treating wife of Rajesh Choudhary. The informant's husband had been threatened that he would be killed.

It is submitted by learned counsel for the petitioner that from perusal of the FIR itself it would transpire that there are no eye-witness to the occurrence. Only suspicion has been raised against the accused persons including the petitioner and the main suspicion even as per the FIR is against Rajesh Choudhary. No material has transpired in course of investigation to connect the petitioner with the alleged crime. Co-accused Satendra Paswan has been enlarged on bail vide order dated 28.10.2021 passed in Cr. Misc. 42506 of 2021. The petitioner is in custody since 8.2.2021 and has no criminal antecedent. Charge sheet has been submitted in the case.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the material that has transpired in course of investigation, the petitioner having remained in custody for more than 1 year and grant of bail to co-accused Satendra Paswan, the Court directs the petitioner to be enlarged on bail in connection with Khizersarai P.S. Case no. 26 of 2020 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 A.C.J.M, District, Gaya.

(Partha Sarthy, J)

Prakash/-

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