

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39692 of 2021

Arising Out of PS. Case No.-174 Year-2020 Thana- AMARPUR District- Banka

Natua @ Natber Chaudhary @ Natu @ Natwar Chaudhary, S/o Bidaya Bhushan Choudhary, Resident of Nayagaon, P.S- Parwatya, District- Khagariya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40714 of 2021

Arising Out of PS. Case No.-174 Year-2020 Thana- AMARPUR District- Banka

Anoj Sharma @ Anuj Sharma, S/o Ramdeo Sharma, R/o village- Mahauta, P.S.- Amarpur, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 42055 of 2021

Arising Out of PS. Case No.-174 Year-2020 Thana- AMARPUR District- Banka

Ankit Kumar @ Mushra, Son of Ghutan Sharma @ Ghutu Sharma @ Ghotu Sharma @ Ghuta Sharma @ Nishikant Sharma, Resident of Village- Mahauta, P.S.- Amarpur, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39692 of 2021)

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

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

(In CRIMINAL MISCELLANEOUS No. 40714 of 2021)

For the Petitioner/s : Mr. Pramod Mishra, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 42055 of 2021)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

For the Informant : Mr. Aditya Nath Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER



10 12-07-2022 All the bail applications arise out of the same police station case, they have been heard together and are being disposed of by this common order.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Krishna Prasad Singh, learned senior counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Amarpur P.S. Case No. 174 of 2020 registered for the offences punishable under Sections 120(B), 302/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on 06.04.2020 at 8.30 PM, the brother of the informant, namely, Kishori Chaudhary, went to deliver milk at the dairy shop of Pappu Sharma, but he did not return. During search one Amit informed that the dead body of Kishori Chaudhary was lying in the orchard of Kampani Sharma, thereafter the informant went to saw the dead body of his brother. It is further alleged that one Parmanand Thakur and others killed his brother.

It is submitted by the learned senior counsel appearing on behalf of the petitioners that the petitioners are not named in the F.I.R. and their names surfaced on the confessional



statement of co-accused Balram Sharma and save and except the confessional statement, there is no other incriminating material which suggests the complicity of the petitioners in the present crime. It is also submitted that the co-accused person, having identical allegation and whose name has also been transpired on the confessional statement of co-accused Balram Sharma, has already been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 26690 of 2020 vide order dated 13.10.2020 and further co-accused Balram Sharma has also been granted bail by a Bench of this Court in Cr. Misc. No. 259 of 2021 vide order dated 06.04.2021, the copies of which have been brought on record, as Annexures-2 and 2/1 in Cr. Misc. No. 42055 of 2021. Further the F.I.R. named accused persons, namely, Parmanand Thakur, against whom strong suspicion has been raised, has also been granted bail by another Bench of this Court in Cr. Misc. No. 29722 of 2021 vide order dated 28.02.2022, the copy of which has been produced before this Court and the same has been kept on record. It is next submitted that all these petitioners are in custody for more than one year, apart from the fact that the investigation of the crime is already concluded and the charge-sheet has been submitted and as such keeping the petitioners behind the bar would serve no purpose.

On the other hand, learned counsel for the informant



vehemently opposes the bail application and submits that during the course of investigation some of the witnesses have supported the prosecution case and the complicity of the petitioners have also surfaced.

Learned APP for the State also opposes the bail application. However, he shows his unableness to distinguish the case of all the petitioners from those, who have been granted bail by the different coordinate Benches of this Court.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the name of the petitioners transpired in the confessional statement of co-accused Balram Sharma, who has already been granted bail by a learned coordinate Bench of this Court, apart from the fact that these petitioners are in custody for more than one year, though the investigation of the crime is already completed and the charge-sheet has been submitted, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarapur P.S. Case No. 174 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-



(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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