

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.41375 of 2021**

Arising Out of PS. Case No.-292 Year-2019 Thana- SINGHESHWAR District- Madhepura

Chhotu Kumar @ Chhotu Chaudhary Son Of Vidyanand Chaudhary @ Vijay Chaudhary (Wrongly Mentioned As Vinod Chaudhary As Father In The Father And In The Impugned Order), Resident Of Village - Singheshwar, Shanti Van Gali, P.S.- Singheshwar, District - Madhepura.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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

3 14-02-2022 At the outset, learned counsel for the petitioner prays to add alias name of the petitioner Chhotu Kumar to avoid any difficulty at later stage. According to him, the name of the petitioner should be 'Chhotu Kumar alias Chhotu Chaudhary'. The FIR perhaps contains the name of the petitioner 'Chhotu Chaudhary'.

Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Gauri Shankar Gupta, learned APP for the State.

Petitioner in the case is seeking regular bail in connection with Singheshwar P.S. Case No. 292 of 2019 registered for the offences punishable under Sections 302 and 120(B)/34 of the Indian Penal Code. He has no criminal antecedent and is in judicial custody



since 13.02.2021.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case, the petitioner has no concern with the day-to-day affairs of the family of the deceased and the co-accused Binod Choudhary has been granted privilege of bail by a learned Predecessor Bench of this Court in Cr. Misc. No. 15779 of 2020 and the case of the petitioner stands on a better footing from that of Binod Choudhary. It is further pointed out that co-accused Sanjay Choudhary @ Sanjay Kumar has been granted bail by this Court in Cr. Misc. No. 39789 of 2021.

Learned APP for the State has though opposed the prayer for bail of the petitioner but does not dispute that the case of the petitioner at least stands on similar footing with that of co-accused Binod Choudhary and Sanjay Choudhary and further there is no specific allegation against him.

Having regard to the aforesaid submissions and on finding that there is no specific material against this petitioner and the co-accused similarly situated have been released on bail, this Court directs release of the petitioner on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhepura in connection with Singheshwar P.S. Case No.292/2019, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the



criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

