

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33633 of 2022

Arising Out of PS. Case No.-298 Year-2021 Thana- NAWANAGAR District- Buxar

BABUDHAN CHOUDHARY S/o Late Sushil Choudhary R/o village- Koath,
P.S.- Dawath, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chhote Lal Mishra

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-11-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Section 302/120(B) of the Indian Penal Code.

As per the prosecution case, on 03.08.2021 at around 11 O'clock (night), seven FIR named accused persons including this petitioner took the informant's son and thereafter, dead-body of his son was found near the pond of Tej Narayan Yadav.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case and no specific allegation has been made in the F.I.R. It is further submitted that after seeing the dead-body of his son, informant went to police station and gave oral information to police, but did not disclose the name of any accused persons and after cremation of dead-body, the informant lodged present F.I.R. on 05.08.2021. It is further submitted that after course of investigation, since



petitioner was not found present at the place of occurrence, police submitted final form against this petitioner and did not send this petitioner for trial. Some of the similarly situated co-accused have already been granted anticipatory bail by this Court, vide order dated 24.11.2022 passed in Cr.Misc. No. 32397/2022.

Learned A.P.P. for the State vehemently opposes the prayer for bail and submits that petitioner has got one criminal antecedent.

Considering the aforesaid facts and circumstances as well as the fact that after investigation, police submitted final form against petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar in connection with Nawanagar (Sonbarsa O.P.) P.S. Case No. 298 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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