

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39297 of 2022

Arising Out of PS. Case No.-457 Year-2012 Thana- BIHTA District- Patna

MUNNA CHAUDHARY @ MUNNA Son of Radha Mohan Chaudhary @
Radha Mohan Chaudhary Resident of Village - Belaur, P.s.- Udwant Nagar,
Distt.- Bhojpur, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-10-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State,

through Virtual Court Proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bihta P.S.

Case No. 457 of 2012 registered for the offence under Sections

302 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and

is in custody since 19.07.2021.

The allegation against the petitioner is to commit

murder of the son of informant along with other co-accused

persons.

Learned counsel appearing on behalf of the petitioner



submitted that informant is not the eye-witness of the occurrence and admittedly, entire allegation is based upon suspicion, where, nothing surfaced/recovered, during course of investigation, which may connect this petitioner, *prima-facie*, with the present set of occurrence/murder. It is further submitted that name of this petitioner surfaced on the basis of confessional statement of co-accused, namely, Rajnish Kumar, who has already been granted bail through Cr. Misc. No. 278 of 2014, dated 26.02.2014, by one of the learned co-ordinate Bench of this Court. It is pointed out that as this petitioner found involved in 11 cases, where, he is on bail in 02 cases, he also implicated in the present case, wherein, in most of the cases, name of this petitioner surfaced on the basis of confessional statement of co-accused, as of present. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as save and except suspicion, nothing surfaced/recovered during course of investigation, which may connect this



petitioner, *prima facie*, with the present set of occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bihta P.S. Case No. 457 of 2012 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Danapur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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