

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41908 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- TEGHRHA District- Begusarai

1. Raju Choudhary S/O Ganeshi Choudhary Resident Of Village- Teghra, Ganj, Ward No.- 14 Nagar Parishad, P.S.- Teghra, District- Begusarai, Bihar
2. Vinod Chaudhry S/O Ganeshi Choudhary Resident Of Village- Teghra, Ganj, Ward No.- 14, P.S.- Teghra, District- Begusarai, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Apurv Harsh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-11-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Teghra P.S. Case No. 45 of 2022 registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

As per the prosecution, the informant's father (now deceased) Ram Sagar Sah was murdered by strangulation with the help of rope and the dead body was hanged from a tree. Further, it is alleged that the informant's neighbours who are



this petitioner and his two brothers always threatened the deceased to kill him and regularly abused the informant's family.

The main submissions advanced by the learned counsel Mr. Apurv Harsh for the petitioners are that the petitioners and co-accused person are neighbours of the informant and in between the family of the informant and petitioners' family there is no good relation and both the sides have filed cases against each other and there is no eye witness of the alleged murder and the informant merely raised his suspicion against the petitioners and other co-accused mainly on account of having previous dispute in between the petitioners' family and the informant's family and one co-accused Vakil Choudhary carrying similar nature of allegation has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 44526 of 2022.

Learned APP Mr. Ganesh Prasad Singh appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. Though the instant matter relates to murder of informant's father and the petitioners are named in the FIR but the informant did not claim himself to be an eye witness and he simply raised suspicion



against the petitioners and their family members and as per the FIR there is no direct evidence against the petitioners to connect them to the alleged crime. The informant made his suspicion mainly on the basis of previous enmity running in between both the families and one similarly situated co-accused person has been granted bail by a co-ordinate Bench of this Court vide order passed in above-mentioned criminal miscellaneous case and as per the above submission made by learned counsel for the petitioners the investigation has been completed against the petitioners. Considering these facts as well as petitioners' custody period and also the fact that similarly situated co-accused person is on bail and the petitioners have been made accused mainly on the basis of previous enmity running in between the petitioners' family and informant's family and the FIR does not show that there is any direct evidence to connect the petitioners to the alleged crime, in the opinion of this Court a lenient approach can be taken in respect of the petitioners' prayer, let the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Teghra P.S. Case No. 45 of 2022, on the following conditions:-



(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioners who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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