

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57154 of 2021

Arising Out of PS. Case No.-276 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Chandra Choudhary @ Chandradeo Choudhary, S/O Late Jilebi Choudhary,
R/O Village-Taraiya, P.S-Mufassil, District-Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Onkar Nath, Advocate
For the Opposite Party/s : Mr.Amitesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 11-05-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within two weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Amitesh Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Muffasil P.S. Case No. 276 of 2021 (G.R. No.
1438 of 2021) registered for the offences punishable under
Sections 302, 120(B) and 34 of the Indian Penal Code. He is in
custody since 14.06.2021. The petitioner has got no criminal
antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, the son of the informant was sleeping in



the open field during night hours when he was assaulted by knife on his head which proved fatal and died. The informant claimed that his elder brother Md. Manjar had seen the alleged occurrence and on his raising hulla the other family members reached there and they found that the head of the son of the informant was brutally assaulted and brain matter had come out of the head, the whole body and the bed were soaked with blood. His brother Manjar told him that four murderers had fled away on motorcycle. It is alleged that few days ago the son of the informant had objected to one co-villager indulging in the act of the prostitution and for the said reason the said lady (Raunak) had called her two brothers and one unknown person and had attempted to kill the son of the informant. The informant alleged that his son has been killed under a conspiracy hatched by Raunak Khatoon who got his son killed by the accused persons.

Learned counsel for the petitioner submits that in course of investigation, the elder brother of the informant has stated that his house is in front of the house of the informant and he had got awaken on hearing the mooing sound of the cow during the night hours which seems highly improbable. The said witness stated that he opened the door and came out then he



saw the accused persons assaulting the son of the informant but the manner of occurrence as alleged by the brother of the informant is not getting corroborated from the post-mortem report which shows only two knife injuries on the head of the deceased.

Learned counsel submits that in fact no body has seen the alleged occurrence and the petitioner has been falsely implicated in this case as he is supposed to be sympathizer of Raunak Khatoon.

Mr. Amitesh Kumar, learned APP for the State has though opposed the prayer for regular bail of the petitioner but on going through the case diary, learned A.P.P. admits to the effect that the brother of the informant was sleeping in his own house, he is claiming that he had come out of his house after opening the door when he heard the mooing sound of cow and then he had seen the alleged occurrence but according to him all the four accused were assaulting by knife upon the deceased but the post-mortem report is not corroborating that version.

Having regard to the materials noticed hereinabove and the inconsistencies in the statement of the informant, his brother and the manner of occurrence is not getting support from the post-mortem report as also that the petitioner has



remained in custody for about 11 months and his presence may be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Muffasil P.S. Case No. 276 of 2021 (G.R. No. 1438 of 2021), subject to the condition 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 steps 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.

(Rajeev Ranjan Prasad, J)

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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'.

