

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60408 of 2021**

Arising Out of PS. Case No.-214 Year-2018 Thana- DEHRI TOWN District- Rohtas

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1. Suresh Choudhary, S/O Late Badri Choudhary R/O Balgovind Bigha, Near Town Hall, P.S-Dehri, District-Rohtas.
  2. Pradeep Kumar @ Pradeep Choudhary, S/O Raja Ram Choudhary R/O Balgovind Bigha, Near Town Hall P.S-Dehri, District-Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Vinay Kumar S/O Rajaram Singh R/O Balgovind Bigha, P.O And P.S-Dehri, District-Rohtas.

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s       | : | Mr. Puneet Siddhartha |
|                            |   | Mr. Ravi Shankar Roy  |
|                            |   | Mr. Aryan Sinha       |
| For the Opposite Party/s : |   | Mr. Harendra Prasad   |

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      11-10-2022                      Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 307, 302, 120(b) of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners have antecedent of one case as would be evident from the pleading made in the supplementary affidavit and the said case is also of the same date when the present occurrence was committed as there was dispute between the two castes. The



learned counsel for the petitioner submits that the informant alleges that on 03.03.2018 at about 8.00 P.M., petitioner nos.1 and 2 along with 15 other accused entered informant's house and asked him to come and work at Sand Ghat. Accordingly, informant along with eight other went with them. It is next alleged that when they reached the place of occurrence, they saw 20-30 people present there from before with dangerous weapons. It is next alleged that petitioner nos.1 and 3 and other accused ordered to kill the informant, but the informant along with his companion managed to escape. In the process, informant's nephew Neeraj Kumar was abducted and since then, he could not be found. On 05.03.2018 at about 10.00 A.M., the dead body of the nephew of the informant was found near Sone River. Accordingly, the informant went to the police station where he saw Lallu Chaudhary, Bharat Choudhary and Sobhnath Choudhary were trying to mislead the police. Accordingly, it is alleged that the accused persons in conspiracy killed his nephew.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is next submitted that it absolutely does not stand to reason that if there was any enmity between the petitioner and the



informant, then why the informant would have accompanied the petitioner and the other accused persons to the Sand Ghat on their asking to come to work there. It is next submitted that it also does not stand to reason that when so many accused had already come to the house of the informant and asked him to accompany them to the Sand Ghat, then where was the occasion for them to keep another 20-30 accused at the place of occurrence for killing the informant. It is next submitted that informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion and the petitioner prior to the institution of the present case were persons with clean antecedent and it appears that on account of dispute between the two castes, so many accused persons belonging to one caste have been falsely implicated. It is also submitted that co-accused Ranjan Choudhary has been granted anticipatory bail application by order dated 13.08.2018 in Cr. Misc. No.41353 of 2018.

Learned A.P.P. opposes the bail application and submits that the case is of the Year 2018 and the petitioners have moved this Court in the Year 2022, as such, it may be a possibility that process under Section 82 of the Cr.P.C. might have been issued.



The learned counsel for the petitioner rebuts the submission of the learned A.P.P. and submits that petitioners were not evading the law rather had cooperated in the investigation. It is also submitted that during the course of investigation at Para-242, 243, 244 and 245, none of the witnesses have named the petitioners as having participated in the occurrence.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Dehri Nagar P. S. Case No.214 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, the learned trial Court before accepting the bail bonds shall verify whether any process under Section 82 of the Cr.P.C. has been issued against the petitioners or not. In the event, if it is found that process under Section 82 of the Cr.P.C.



has been issued against the petitioners, then the present  
anticipatory bail order shall not be acted upon.

**(Satyavrat Verma, J)**

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