

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61496 of 2021

Arising Out of PS. Case No.-110 Year-2010 Thana- DINARA District- Rohtas

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Gupteshwar Choudhary S/O Late Lalmohar Choudhary R/o village-
Sundarvan, P.S.- Dinara, District- Rohtas

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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with
CRIMINAL MISCELLANEOUS No. 61627 of 2021

Arising Out of PS. Case No.-110 Year-2010 Thana- DINARA District- Rohtas

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Ramashankar Chaudhary Son of Kedar Chaudhary @ Janki Chaudhary
Resident of Village- Arang Tola, P.S- Dinara, District- Rohtas at Sasaram

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 61496 of 2021)

For the Petitioner/s : Mr.Umesh Narayan Dubey

For the Opposite Party/s : Mr.Anil Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 61627 of 2021)

For the Petitioner/s : Mr.Raghunandan Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-04-2022 Heard learned counsel for the parties.

The petitioners are the accused in connection with

Dinara P.S. Case No. 110 of 2010 under Sections 364 of the

Indian Penal Code.

In Cr. Misc. No. 61496 of 2021, an Interlocutory

Application has been filed stating therein that in the main



petition prayer portion has wrongly been typed as Section 438 of the Code of Criminal Procedure which may be read as Section 439 and 440 of the Code of Criminal Procedure.

The prayer is allowed.

Interlocutory Application No. 1 of 2022 is disposed of.

As per the prosecution story, the informant has alleged that his brother Badshah Chaudhary was kidnapped by all the accused persons including the petitioners herein on 09.04.2010 and his brother has not yet been recovered. It was under this circumstances that the case was lodged against the accused persons.

The matter is of 2010. For 11 long years, both these petitioners evaded arrest.

Learned counsels for the petitioners submit that they were availing the privilege of anticipatory bail which according to them was preferred in 2016 which was finally rejected. Even then the petitioners chose not to surrender.

As stated, both these petitioners finally came into judicial custody in July, 2021.

Taking into account the aforesaid facts, this Court for the present is not inclined to grant any relief to both the



petitioners in Cr. Misc. No. 61496 and Cr. Misc. No. 61627 of
2021and the same are hereby rejected.

(Rajiv Roy, J)

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