

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64956 of 2021

Arising Out of PS. Case No.-328 Year-2020 Thana- BELAGANJ District- Gaya

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BUDHAN CHAUDHARY Son of Thakur Chaudhary @ Thaku Chaudhary
Resident of Village- Ore, P.S.- Belaganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar, Adv

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State in virtual Court proceeding.

Petitioner seeks bail in a case registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

As per allegation in the FIR, petitioner along with other family members has tortured in various ways to the daughter of the informant and due to non-fulfillment dowry demand, they ultimately killed her.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been



implicated in the present case. In fact the petitioner is brother-in-law of the deceased. He further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioner and the petitioner is separated his mess and business in their house from his brother. He further submits that the similarly situated co-accused person, namely, Chhotu Chaudhary @ Jailam Chaudhary @ Jayjanm Chaudhary and Kapil Chaudhary have been granted bail vide order 08.12.2021 in Cr. Misc. No.37819 of 2021 by this Hon'ble Court and another co-accused, namely, Rupa Kumari, who is sister-in-law of the deceased, has been granted privilege of anticipatory bail vide order dated 07.04.2022 in Cr. Misc. No.52323 of 2021 by a Coordinate Bench of this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner under Sections 302, 201, 120B and 34 of IPC and the petitioner is in custody since 08.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 learned Court below



where the case is pending in connection with Belaganj Police Station Case No.328 of 2020, with the following conditions:-

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

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

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 step 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.

(Rajesh Kumar Verma, J)

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