

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70891 of 2021

Arising Out of PS. Case No.-177 Year-2021 Thana- RIVILGANJ District- Saran

Tufani Chaudhary S/O Mogal Chaudhary @ Mangal Chaudhary R/o village-
Jan Tola, Nabiganj, Bin Toli, P.S.- Rivilganj, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate
For the State : Mr. Anant Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Rivilganj P.S. Case No. 177 of 2021 registered for the alleged offences under Sections 364, 34 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the son of the informant was taken out by two co-accused persons on motorcycle from his house and he went missing. The informant showed his suspicion that his son was abducted with intention to kill him as the co-accused had some dispute with his son. The petitioner



and other co-accused persons were also named by the informant showing his apprehension that they were also involved in abduction of his son. Later on, the dead body of the son of the informant was recovered.

Learned counsel for the petitioner submits that except for suspicion, there is nothing against this petitioner. But his suspicion is not supported by any material or bona fide reasons. During course of investigation, the F.I.R. named co-accused Ravi Chaudhary was apprehended by the police who confessed his guilt in the abduction of the son of the informant as well as commission of his murder and on the basis of his confessional statement and identification made, the dead body of the son of the informant was recovered from a field. But, this co-accused did not name this petitioner and while confessing his guilt, the co-accused named another co-accused Shamsheer for committing murder of the son of the informant. During whole of the investigation, no substantial evidence came up against this petitioner for his involvement in the alleged occurrence in any manner. Learned counsel further submits that similarly placed co-accused persons have been granted bail vide order dated 08.02.2022 passed in Cr. Misc. No. 47139 of 2021. Charge sheet has been submitted in this case and the petitioner is in



custody since 20.05.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner has been named along with other co-accused persons for his involvement in the killing of the son of the informant.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the distinct lack of substantive material against the petitioner to connect him with the offences as alleged and also considering his period of custody along with submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saran at Chapra in connection with Rivilganj P.S. Case No. 177 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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