

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68383 of 2021**

Arising Out of PS. Case No.-452 Year-2021 Thana- AMARPUR District- Banka

Rajiv Choudhary @ Rajeev Kumar Chaudhary son of late ramesh chowdhary
resident of village - bharko, p.s.- Amarpur, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71919 of 2021

Arising Out of PS. Case No.-452 Year-2021 Thana- AMARPUR District- Banka

Amarjeet Kumar Choudhary @ Amardeep Choudhary @ Chhotu Son of
Rajeev Kumar Choudhary Resident of Village- Bharko, P.S.- Amarpur,
District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 68383 of 2021)

For the Petitioner/s : Mr. Subodh Kumar Jha, Advocate

For the Informant : Mr. Mrityunjay Kumar. Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

(In CRIMINAL MISCELLANEOUS No. 71919 of 2021)

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

4 18-10-2022 (In CRIMINAL MISCELLANEOUS No. 68383 of 2021)

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Amarpur



P.S. Case No. 452 of 2021 registered for the offence under Sections 302, 120(B), 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 05.10.2021.

The allegation against the petitioner is to commit murder of brother-in-law of the informant by dashing with a four wheeler vehicle giving a colour of accident due to previous enmities.

Learned counsel appearing on behalf of the petitioner submitted that, apparently, on its face, F.I.R. suggests accident. It is further submitted that no motive was assigned while drawing F.I.R. which subsequently, during the course of investigation, suggests an afterthought stating thereof previous enmities due to local political differences. It is further pointed out that other similarly co-accused person has been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 6312 of 2022 dated 25.05.2022. While concluding the argument, it has been submitted that petitioner was involved in one criminal case in which he is now acquitted and moreover, investigation of this case has been completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



Learned APP, duly assisted by learned counsel appearing on behalf of informant, while opposing the prayer of bail submitted that it is a planned murder where conspiracy cannot be ruled out due to previous enmities.

In view of the facts and circumstances, as mentioned above and by taking note of nature of allegation coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Amarpur P.S. Case No. 452 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka/concerned Court, subject to the conditions as mentioned:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by



the documents.

(iii) That one of the bailors shall be Kiran Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(In CRIMINAL MISCELLANEOUS No. 71919 of 2021)

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Amarpur P.S. Case No. 452 of 2021 registered for the offence under Sections 302, 120(B), 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 29.09.2021.

The allegation against the petitioner is to commit murder of brother in law of the informant by dashing with a four wheeler vehicle giving a colour of accident due to previous enmities.

Learned counsel appearing on behalf of the petitioner submitted that, apparently, on its face, F.I.R. suggests accident. It is further submitted that no motive was assigned while drawing F.I.R. which subsequently, during the course of investigation, suggests an afterthought stating thereof previous



enmities due to local political differences. It is further pointed out that other similarly co-accused person has been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 6312 of 2022 dated 25.05.2022. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, duly assisted by learned counsel appearing on behalf of informant, while opposing the prayer of bail submitted that it is a planned murder where conspiracy cannot be ruled out due to previous enmities.

In view of the facts and circumstances, as mentioned above and as considering the nature of allegation and custody period coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Amarpur P.S. Case No. 452 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka/concerned Court, subject to the conditions as mentioned:

“(i) That petitioner shall not



involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Kiran Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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