

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.481 of 2022

Arising Out of PS. Case No.-119 Year-2018 Thana- BODHGAYA District- Gaya

Binod Kumar Chaudhari @ Binod Chaudhari, S/O Krishna Chaudhary, R/O
Village- Lalua Dahar, P.S. Gurara, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 27-06-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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 Bodh Gaya P.S. Case No. 119 of 2018 registered for the alleged offences under Sections 363, 365 of the Indian Penal Code and later on Section 302 of the Indian Penal Code has also been added.

Allegedly the petitioner was involved along with other co-accused persons in kidnapping and murder of the husband of the informant.

The learned counsel for the petitioner submits that the



petitioner is not named in the FIR and his name came up during investigation in the confessional statement of the co-accused Jitu Chaudhary. There is no eye-witness to the occurrence. Nothing material has come up against the petitioner during investigation. This petitioner was allowed anticipatory bail earlier by a coordinate Bench of this Court, but he could not surrender before the learned court below during the prescribed time since the petitioner was not allowed leave by his employer. Another co-accused Upendra Chaudhary has been granted privilege of anticipatory bail by this Court vide order dated 27.09.2018 passed in Cr. Misc. No. 51572 of 2018. Another co-accused Kaili Devi has also been granted bail vide order dated 26.10.2018 passed in Cr. Misc. No. 64344 of 2018. The petitioner is in custody since 10.09.2021.

Learned APP has opposed the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that nothing material has come up against the petitioner during investigation and the petitioner has already been allowed the privilege of anticipatory bail earlier though he could not avail the same and in the light of custody period and other facts, 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 Chief Judicial Magistrate, Gaya in connection with Bodh Gaya P.S. Case No. 119 of 2018, subject to 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 for 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)

V.K.Pandey/-

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