

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11209 of 2023

Arising Out of PS. Case No.-438 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. RAJ KUMAR CHAUDHARY SON OF LAKHAN CHAUDHARY
RESIDENT OF VILLAGE- KOLOWNA, P.S.- GURUA, DISTRICT-
GAYA
 2. SHIV NANDAN CHAUDHARY SON OF LAKHAN CHAUDHARY
RESIDENT OF VILLAGE- KOLOWNA, P.S.- GURUA, DISTRICT-
GAYA
 3. LAKHAN CHAUDHARY SON OF MANKI CHAUDHARY RESIDENT
OF VILLAGE- KOLOWNA, P.S.- GURUA, DISTRICT- GAYA

... .. PETITIONER/S

VERSUS

1. THE STATE OF BIHAR
2. SABITA DEVI WIFE OF NAND KISHORE CHAUDHARY @ NANDU
RESIDENT OF VILLAGE- RAMDIH, P.S.- PRAIYA, DISRICT- GAYA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar , Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 04-07-2023 Heard learned counsel for the petitioners and the

State.

Petitioners apprehend their arrest in a case registered
for the offence punishable under sections 420, 370, 364,
364(A), 120(B) and 34 of the Indian Penal Code.

It is alleged that these petitioners have entered into a
criminal conspiracy and in pursuance to the said conspiracy they



kidnapped the husband of the complainant to commit his murder.

It is submitted that petitioners are innocent and have falsely been implicated in this case due to ulterior motive. Both the parties are agnates. No such occurrence, as alleged has ever taken place. As per the complaint petition it appears that the husband of the complainant had gone somewhere on 27.07.2017 and did not return but the complainant has filed this complaint case on 24.03.2021 i.e after the delay of 4 years for which there is no plausible explanation. He further submits that own brother of the alleged victim Nand Kishore Chaudhary, namely Jitendra Chudhary, has already instituted a F.I.R. against these petitioners vide Kishanganj P.S. Case no- 425 of 2017 dated 19.08.2017 under section 365/34 of I.P.C. in which petitioners have been granted bail by the learned Court below. Hence, no case as alleged is made out against these petitioners.

Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned Judicial Magistrate 1st Class, Gaya in connection



with Complain Case No.- 438 of 2021, subject to the conditions
laid down under section 438(2) of the Code of Criminal
Procedure.

(Prabhat Kumar Singh, J)

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