

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17814 of 2023

Arising Out of PS. Case No.-305 Year-2022 Thana- JOGAPATTI District- West Champaran

1. VAKIL CHAUDHARY SON OF JAG CHAUDHARY RESIDENT OF VILLAGE - BHARTA PATTI, P.S. - YOGAPATTI, DISTT. - WEST CHAMPARAN
2. MINA DEVI WIFE OF VAKIL CHAUDHARY RESIDENT OF VILLAGE - BHARTA PATTI, P.S. - YOGAPATTI, DISTT. - WEST CHAMPARAN
3. BALIRAM CHAUDHARY SON OF VAKIL CHAUDHARY RESIDENT OF VILLAGE - BHARTA PATTI, P.S. - YOGAPATTI, DISTT. - WEST CHAMPARAN
4. JOKHU CHAUDHARY SON OF DHRUV CHAUDHARY RESIDENT OF VILLAGE - BHARTA PATTI, P.S. - YOGAPATTI, DISTT. - WEST CHAMPARAN
5. KAMLESH CHAUDHARY SON OF DHRUV CHAUDHARY RESIDENT OF VILLAGE - BHARTA PATTI, P.S. - YOGAPATTI, DISTT. - WEST CHAMPARAN
6. RAJENDRA CHAUDHARY SON OF LATE MADAN CHAUDHARY RESIDENT OF VILLAGE - BHARTA PATTI, P.S. - YOGAPATTI, DISTT. - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2023 Heard the parties.

The petitioners are apprehending arrest in connection with Yogapatti (Nawalpur) P.S. Case No 305 of 2022 for the offence under Sections 302 and 34 of the I.P.C. lodged on 31.05.2022 by the informant Hiralal Mahto.

The prosecution story, in brief, is that Chankali Kumari, daughter of the informant, had gone with her mother to



her friend's wedding on 30.05.2022. The informant's wife came home from the marriage ceremony at 9:00 pm, but her daughter did not return home. Then the informant started searching for her daughter and on 31.03.2022 at five o'clock in the morning, the dead body found hanging in the 'banskothi' in the backyard of his house. The informant claims that Vakil Chowdhary, Baliram Chowdhary, Jokhu Chowdhary, Kamlesh Chowdhary, Rajendra Chowdhary, Meena Devi strangled her daughter Chankali Devi and hanged her body with a scarf in the backyard of his house. Accordingly, the F.I.R.

It has been submitted by the learned counsel for the petitioners that a day before, the son of petitioner no. 1, Sitaram Choudhary was caught in the house of informant after the victim girl had called him and subsequently he was handed over to the police. Ashamed of the fact that the affairs have been made public and known to the villagers, she allegedly committed suicide as the girl was found hanging in a bamboo tree behind the house of the informant. Subsequently, color of killing was given and the petitioner's family members have been implicated.

Learned APP opposes the prayer stating that the allegation has been made against them.



Considering the submissions put forward by the learned counsel for the petitioners as also having gone through the facts and circumstance of the case and the earlier case in which the petitioner's son was taken and handed over to the police from the house of the informant, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, Yogapatti (Nawalpur) P.S. Case No 305 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail
application is allowed.

(Rajiv Roy, J)

Ravi/kiran/-

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