

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23177 of 2023**

Arising Out of PS. Case No.-611 Year-2022 Thana- SHEKHPURA District- Sheikhpura

SUNIL CHAUDHARY S/O SITA RAM CHAUDHARY R/O Mohalla- Indai,
P.S- Sheikhpura, Distt.- Sheikhpura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Roop Kishan, Advocate
	:	Mr.Shambhu Narayan Singh, Advocate
	:	Mr.Abhishek Kumar, Advocate
	:	Mr.Suraj Kumar Tiwary, Advocate
For the Opposite Party/s	:	Mrs.Dr. Indihar Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 04-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 05.11.2022 in connection with Sheikhpura P.S. Case No. 611 of 2022, F.I.R. dated 16.10.2022 registered for the offence punishable under Section 363 of IPC and later on Sections 302,201,120(B) and 34 of the Indian Penal Code were added.

3. As per prosecution case, the marriage of the informant's daughter was solemnized with one Ashish Kumar, thereafter she is stated to be lived separately from her husband. It is further alleged that informant's daughter had left the house in the morning on 14.10.2022 and subsequently, she could not



been traced out, however, it is alleged that the accused persons along with some unknown kidnapped and killed the deceased as well as her child and thrown their dead bodies in Ganga river.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person, namely, Manoj Kumar Yadav. Further submits that the petitioner is driver of the vehicle in question and on the instruction of the co-accused, namely, Dr. Nawal Kumar Yadav, the petitioner alongwith other co-accused persons have disposed of the dead body of the deceased and her children. Further submits that the main accused, namely, Dr. Nawal Kumar Yadav and Ranju Devi have been granted privilege of anticipatory bail vide order dated 19.05.2023 passed in Cr. Misc. No.8875 of 2023, co-accused persons, namely, Dilip Kumar @ Dilip Yadav and Manish Kumar Yadav have been granted bail vide orders dated 26.06.2023 and 04.07.2023 passed in Cr. Misc. Nos.15665 of 2023 and 25479 of 2023 respectively by different Coordinate Benches of this Hon'ble Court and there is no accusation of any assault or overt-act attributed against the petitioner and except



the confessional statement of the co-accused person and the self-confessional statement of the petitioner, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 05.11.2022.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the petition.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura P.S. Case No. 611 of 2022, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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