

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28692 of 2023

Arising Out of PS. Case No.-77 Year-2022 Thana- LAURIA District- West Champaran

SHAMBHU CHAUDHARY SON OF LATE MAHANTH CHAUDHARY
R/O-DUMARIYA TOLA, LAKSHMIPUR, HARINAGAR, WARD NO. 4,
P.S.-SHIKARPUR, DISTT.-WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-09-2023

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for bail apprehending his arrest in connection with Lauriya P.S. Case no.77 of 2022 registered under sections 302, 201 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant who happens to be the Chowkidar states that in course of patrolling, he received information to the effect that a burnt human body had been found. On reaching the place of occurrence, a dead body was discovered. The lower portion of the body having been burnt, one could not identify as to whether the body was of a male or female. It appeared that with the intention to dispose of the dead body, the same had been burnt.



4. Learned counsel for the petitioner submitted that the F.I.R. was registered against unknown. It was in course of investigation that the dead body was identified as being that of the father of the petitioner. It has transpired in course of investigation that his father who was in the habit of drinking liquor asked for money and on the petitioner's brother not giving him the money, on returning home he committed suicide. Fearing that their uncle (father's brother), who was on inimical terms with his nephews, including the petitioner, on getting this information about the death would falsely implicate the petitioner and his brother, they made an attempt to cremate the body. It is further submitted that there was also fear for the reason that police was expected in the village on the same day as a death had taken place in the village as a result of electrocution. The petitioner has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P. for the State. However, learned APP submits that so far as the material in the case diary is concerned, the same is consistent with the case of the petitioner that the father of the petitioner committed suicide when the petitioner's brother refused giving him money for the purpose of drinking liquor.

6. Having heard learned counsel for the parties, in



view of the submissions made by learned counsel for the petitioner together with the material that has transpired in course of investigation and the petitioner not having any criminal antecedent, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Lauriya P.S. Case no.77 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 1st, Bettiah, West Champaran.

(Partha Sarthy, J)

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