

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28518 of 2023

Arising Out of PS. Case No.-75 Year-2022 Thana- SALAIYA District- Aurangabad

Dil Chand @ Dilchand Chaudhry Son Of Kauleshwar Chaudhari R/O
Jainagar, P.S.- Gurau, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Salaiya
P.S. Case No.75 of 2022 registered for the offence under
Sections 302 and 34 of the Indian Penal Code.

3. The accused/petitioner is not named in the F.I.R.
and is in custody since 23.08.2022.

4. The allegation against the petitioner is to commit
murder of the brother of informant alongwith other unknown
co-accused person, while he went to nearby forest to bring
firewood, where his dead body was recovered next day in the
nearby mountain area.

5. Learned counsel appearing on behalf of the
petitioner submitted that the name of petitioner surfaced on the



basis of self-confession and confessional statement of co-accused, where no incriminating material recovered/surfaced to connect this petitioner, *prima facie*, with the present occurrence of murder. It is submitted that save and except suspicion nothing available against petitioner and by taking note of said fact, similarly situated co-accused, namely Chhotu Bhuiyan, has already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 21280 of 2023 vide order dated 22.05.2023. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above as save and except suspicion based upon confessional statement of co-accused nothing appears incriminating against this petitioner, *prima facie*, to connect with the present occurrence of murder, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 23.08.2022, accordingly, petitioner, above named,



is directed to be released on bail in connection with Salaiya P.S.
Case No.75 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 learned Additional Sessions Judge-X,
Aurangabad/concerned court, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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