

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31573 of 2022

Arising Out of PS. Case No.-377 Year-2021 Thana- KHIJARSARAI District- Gaya

Guddu Chaudhary S/o Rajdev Chaudhary R/o village- Mahuar Khurd, P.S.-
Buniyadganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 07-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
11.12.2021 in connection with Khizersarai P.S. Case No. 377 of
2021, F.I.R. dated 30.11.2021 for the offences punishable under
Sections 302/34 of the Indian Penal Code.

According to prosecution case, the petitioner abused
the daughter of the informant and also tried to outrage her
modesty due to some land dispute which was going on since last
one year and the informant raised suspicion that her daughter
was killed by the petitioner and accused persons and hanged her



with the roof.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the C.D. report and suspicion. He further submits that except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

Vide order dated 15.02.2023 a report was called with regard to the present stage of trial. Report of the learned Trial Court dated 06.03.2023 reveals that the charge has been framed against the petitioner on 05.07.2022 and till date the prosecution had not produced any evidence and the case is pending at the stage of recording of prosecution evidence.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not likely to be concluded in the near future. The petitioner is in custody since 11.12.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.



Considering the aforesaid facts and circumstances, period of custody and the fact that the petitioned is not named in the F.I.R. and he has clean antecedent, 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 the learned Additional Chief Judicial Magistrate IV, Gaya in connection with Khizersarai P.S. Case No. 377 of 2021, subject to the following conditions:-

1. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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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