

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33871 of 2023

Arising Out of PS. Case No.-136 Year-2023 Thana- KAUWAKOL District- Nawada

NEHRU CHAUDHARI Son of Late Prabhu Chaudhari Resident of Village -
Bhikhanpur, P.S.- Rupau in the district of Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2023 Heard the parties.

The petitioner is in custody in connection with Kewakole (Rupau) P.S. Case No. 136 of 2023 for the offence under Sections 302 and 34 of the Indian Penal Code lodged on 05.03.2023 by the informant, Arvind Kumar.

The prosecution case, in brief, is that on the written complaint of informant, Arvind Kumar, F.I.R. was lodged against unknown person u/s 302 read with section 34 of I.P.C. and 25(1-b)a, 27 and 35 Arms Act, whole case of the prosecution is based on fardbayan of Arvind Kumar recorded in the agricultural field of Benipur Badhar where dead body of deceased Sanni Kumar was found. In this case, there is no eye witness though on the place of occurrence adjacent to dead body, two country made pistol, seven empty cartridges and four



live cartridges were found. Accordingly, the FIR.

It has been submitted by the learned counsel for the petitioner that he is not named in the F.I.R. On the basis of confessional statement of co-accused Bablu Yadav, his name has been cropped up. Further submission is that he is ready to abide by all the terms and conditions, if granted bail.

Learned APP opposes the prayer stating that his name has come in the confessional statement.

Considering the fact that the petitioner is not named in the F.I.R., his name has come in the confessional statement, is in custody since 10.03.2023 and ultimately will have to face the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Nawada, in connection with Kewakole (Rupau) P.S. Case No. 136 of 2023 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 petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner 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;

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

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Jagdish/kiran/-

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