

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36966 of 2023

Arising Out of PS. Case No.-855 Year-2022 Thana- GAYA MUFASIL District- Gaya

NANDU CHAUDHARY @ RAHUL KUMAR Son of Ramdas Chaudhary
Resident of village - Manpur, Gandhi Nagar, P.s. - Buniyad Ganj, Distt. -
Gaya, Bihar 823003

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Muffasil P.S. Case No. 855 of 2022 for the offence under sections 302/34 of the Indian Penal Code and 27 of Arms Act lodged on 25.10.2022 by the informant, Maya Devi.

3. As per the prosecution story, the informant alleged that one Nandu Chaudhary (the petitioner) called her son, Sunni Kumar (the deceased) from home. Later, her younger son came running stating that Sunni Kumar has lit a cracker near a cracker shop which resulted into fire in a nearby shop. After which he was assaulted by Shekher Kumar, Niraj Kumar, Laddu and Vijay, all are sons of Pradeep Kumar. Later they took him away, she kept on searching him all night and in the morning, she went



to the police station whereafter it was informed by the Police that a boy has been shifted to Magadh Medical Hospital, Gaya in an injured condition. She rushed to the Hospital and found her son dead. Accordingly the FIR.

4. Learned counsel for the petitioner submits that he was the friend of the deceased, they went to the crackers shop whereafter the incident took place. Further, the submission is that specific allegation is against four named accuseds who are brothers and all of them are son of Pradeep Kumar of having assaulted the informant's son which resulted into his injury/death.

5. So far as this petitioner is concerned, only allegation is that he called the deceased and went along with him. For the alleged act, he has already suffered by being in custody since 26.10.2022 (as stated in paragraph 8 of the petition) and do not have criminal antecedent.

6. Learned APP opposes the prayer for bail stating that he was the person who took him away after which he was killed.

7. From the FIR itself, it is clear that although the petitioner took the deceased to the cracker shop, subsequent event took place due to litting of cracker near a shop whereafter



infuriated, the shop owner's son assaulted the son of the informant.

8. The role of the petitioner is only of accompanying the deceased, is a young boy of 18 years, do not have criminal antecedent and is in custody since 26.10.2022, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-XI, Gaya, in connection with Muffasil P.S. Case No. 855 of 2022 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 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;



(iv) 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.

10. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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