

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37347 of 2022

Arising Out of PS. Case No.-320 Year-2021 Thana- HARSIDHI District- East Champaran

LALAN CHAUDHARY Son of Sonalal Chaudhary @ Sonelal Chaudhary
Resident of Village - Math Lohiyar, P.S. - Harisidhi, District - East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 20-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with
Harsidhi P.S. Case No. 320 of 2021 initially registered for the
offences punishable under Sections 364, 120(B) of the Indian
Penal Code and subsequently, Section 302 of the IPC has been
added.

As per prosecution case, on 07.08.2021 informant's
son reached at Harsidhi to collect news and advertisement and
from there he went to Mathlohiyar Chowk alongwith co-accused
Amrendra Kumar and Asjad Alam. It is alleged that after 8.30
PM mobile phone of informant's son got switched off. On
search, informant's son could not be traced. It is further alleged



that from the house of co-accused Amrendra Kumar bag, press I.D. card, bluetooth headphone of informant's son was recovered and from possession of co-accused Jai Prakash motorcycle of informant's son was recovered. The informant has belief that his son has been kidnapped under conspiracy by the accused persons for the purpose of murder.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has come in the present case under ulterior motive in the statement of witness namely, Suman Kumar Singh and Sunny Deol. He further submits that there is no cogent evidence against the petitioner to connect him with the alleged occurrence except the statement of witness Sunny Deol who is nephew of petitioner and has inimical term with the petitioner on account of property dispute and statement of witness Suman Kumar Singh who has also business rivalry with petitioner as petitioner and Suman Kumar Singh both are having shop of *bhunja*. Except suspicion there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Prudently and pragmatically, there cannot be any probability for a person having shop of *Bhuja* has any motive to commit the murder of a person who was a press reporter. Moreover, co-accused Ashjad



Alam has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 304 of 2022. Similarly, co-accused Amrendra Kumar has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 655 of 2022 and the case of present petitioner stands on better footing as aforesaid co-accused persons are FIR named accused persons and the name of petitioner has been surfaced in this case on 19.02.2022 i.e. after six months of alleged occurrence during course of investigation in the statement of two witnesses who have inimical term with the petitioner. He further submits that informant is not eye witness of the occurrence. Petitioner is in custody since 21.02.2022 and bears criminal antecedent of one case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused Ashjad Alam and Amrendra Kumar have already been granted bail by the co-ordinate Bench of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also



taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Harsidhi P.S. Case No. 320 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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