

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39803 of 2023**

Arising Out of PS. Case No.-137 Year-2023 Thana- LAXMIPUR District- Jamui

Chandan Chaudhary @ Pankaj Chaudhary S/O Shiv Kumar Chaudhary R/O
Professor Colony, P.S- Dhanbad, Distt.- Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody since 12.04.2023 in connection with Laxmipur (Gidhour O.P.) P.S. Case No. 137/2023 for the offence punishable under Sections 302, 201/34 of the Indian Penal Code lodged on 29.03.2023 by the informant, Ganga Paswan.

The prosecution story, in brief, is that the informant namely Ganga Paswan who happens to be 'Chowkidar' has alleged that on 29.03.2023, at about 9.30 O' clock, while he was in his area and making round, then he received information that in Sansarpur village along NH-333 one unknown dead body is lying and for verification he reached over there.



He found that one person aged about 40 years was found lying dead having some injuries on the neck and such information given to the concerned SHO who has arrived along with other police personnel and they tried to identify the body but could not do so. Accordingly, the F.I.R.

The contention of the learned counsel for the petitioner is that there is no eye witness to the occurrence, chowkidar first saw an unknown dead body and on the basis of that F.I.R. was lodged and further during the investigation it was in the confessional statement co-accused Ajmer Bhusan, that he has been dragged in the case.

The last submission is that he do not have criminal antecedent.

Learned APP opposes the prayer stating that his name has in the confessional statement of co-accused Ajmer Bhusan.

Taking into the account the aforesaid submission put forward by the learned counsel for the petitioner as also the fact that he do not have criminal antecedent and is in custody since 12.04.2023, 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 Sri Sanjeev Kumar, J.M.
1st Class, Jamui in connection with Laxmipur (Gidhour O.P.)
P.S. Case No. 137/2023 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
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 next 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 bail application is
allowed.



(Rajiv Roy, J)

Ravi/jyoti/-

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