

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40723 of 2022

Arising Out of PS. Case No.-264 Year-2021 Thana- NOKHA District- Rohtas

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RAJU SINGH @ RAJU CHAUDHARY S/o Late Ramayan Chaudhary R/o
village- Doma Tola, P.S.- Nokha, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 43628 of 2022

Arising Out of PS. Case No.-264 Year-2021 Thana- NOKHA District- Rohtas

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Shree Bhagwan Chaudhary @ Bhagwan Chaudhary S/O Late Ramayan
Chaudhary Resident of village- Doma Tola, P.S.- Nokha, District- Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 40723 of 2022)

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate

For the Opposite Party/s : Mrs. Rina Sinha, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 43628 of 2022)

For the Petitioner/s : Mr. Ramchandra Singh, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-02-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal



Code.

According to prosecution case, allegation against the petitioner is to kill the son of the informant by strangulation.

Learned counsel for the petitioners submits that petitioner namely, Shree Bhagwan Chaudhary has clean antecedent and petitioner namely, Raju Singh @ Raju Chaudhary has one criminal antecedent. He further submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that petitioners are not named in the F.I.R. and the name of the petitioners have transpired merely on the basis of suspicion as the petitioners are the uncle of co-accused Maya Kumari. He further submits that the informant himself admitted in the F.I.R. that his son has committed suicide. He further submits that during course of investigation except the suspicion no other cogent material has come against both the petitioners and the police after investigation submitted the charge sheet against the petitioners. The petitioner no.1 namely, Raju Singh is in custody since 18.05.2022 and petitioner no.2 namely, Shree Bhagwan Chaudhary is in custody since 15.05.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on



the ground that petitioner no.1 namely, Raju Singh @ Raju Chaudhary carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Nokha P.S. Case No. 264 of 2021, subject to the following conditions:-

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

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the



petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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