

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51838 of 2023

Arising Out of PS. Case No.-118 Year-2019 Thana- JURAWANPUR District- Vaishali

Alakhdeo Chaudhary Son Of Late Ramprit Chaudhary R/O-Paharpur West,
P.S.-JURAWANPUR, Distt.-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 26.03.2023 in connection with Jurawanpur P.S. Case No. 118 of 2019, F.I.R. dated 30.11.2019 for the offences punishable under Sections 302/34 of the Indian Penal Code read with Section 27 of the Arms Act.

3. The present case is unique one. The informant is the petitioner in the present case and he has been made accused during course of investigation on the ground that the petitioner and his brother has committed murder of his father due to land dispute and the petitioner is informant in the present case and investigation has disbelieved the allegation as alleged in the FIR against the co-accused persons by the petitioner.

4. Learned counsel for the petitioner submits that



merely on the basis of suspicion the petitioner and his brother and other members have been made accused in the present case and there is no eyewitness of the alleged occurrence. He further submits that except the suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. Further submits that the co-accused persons namely, Nagendra Chaudhary who happens to be own brother of the petitioner and others have been granted privilege of anticipatory bail vide order dated 05.09.2023 in Cr. Misc. No.48816 of 2023 and the police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 26.03.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, III, Vaishali at Hajipur in connection with Jurawanpur P.S. Case No. 118 of 2019 , subject to the following conditions:-

i. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

Prakash Narayan

U		T	
---	--	---	--

