

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65149 of 2022

Arising Out of PS. Case No.-91 Year-2021 Thana- ARIYARI District- Sheikhpura

1. Lalan Chaudhary Son of Mahendra Chaudhary Resident of Village- Baikatpur, P.S.- Ariyari, District- Sheikhpura
2. Mani Chaudhary @ Manikchand Chaudhary Son of Mahendra Chaudhary Resident of Village- Baikatpur, P.S.- Ariyari, District- Sheikhpura

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Syed. Rizwanul Haque

For the Opposite Party/s : Mr. Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-02-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Ariyari
P.S. Case No. 91 of 2021, registered for the offences
punishable under Sections 302, 201 and 34 of the Indian
Penal Code.

The prosecution case as emerges from the FIR is
that on 30.07.2021 at about 04:00 P.M, the informant/
Sabia Devi got informed that his husband is lying dead on
the bank of the river. It is alleged that the accused persons
along with the petitioner used to prepare illicit liquor on the



bank of river, against which husband of the informant protested and as a consequence of that the accused persons have killed him.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the case against the petitioner is based only on suspicion. He also submits that the co-accused persons, namely, Mahendra Chaudhary and Jahindra Chaudhary have been enlarged on bail by a co-ordinate Bench of this Court vide order dated 28.04.2022 passed in Cr. Misc. No. 72188 of 2021.

He further submits that the petitioners have been languishing in jail since 29.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedent.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have moved this Court earlier for anticipatory bail vide Cr. Misc. No. 72374 of 2021.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.



Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Court of A.C.J.M. Ist, Sheikhpura in connection with Ariyari P.S. Case No. 91 of 2021 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not get hampered on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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