

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61924 of 2023

Arising Out of PS. Case No.-643 Year-201 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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1. Kanchan Choudhary @ Navin Kumar Choudhary@ Kanchan Kumar @ Navin Choudhary, Son Of Shanichar Choudhary @ Shanidev Choudhary Village- Rohiyama, P.S.- Beldour, Dist.- Khagaria
 2. Rudal Choudhary, Son Of Late Dhanik Choudhary, Village- Rohiyama, P.S.- Beldour, Dist.- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sulekha Devi, Wife Of Late Kishundeo Choudhary, Village And P.O.- Rohiyazama, P.S.- Beldour, Dist- Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 643C of 2021 under Sections 452, 302/34 and Section 27 of the Arms Act.

3. As per the complaint case, the accused persons including the petitioners came at the house of the complainant and took her husband and next morning he was found in injured condition and was declared dead in the hospital.

4. Learned counsel for the petitioners submits that the



complaint case was filed by the complainant after two months and 17 days on the basis of suspicion. There is no eye witness to the alleged occurrence and there is no specific allegation against the petitioners. He further submits that previously Beldour P.S. Case No. 222 of 2021 under Section 302 I.P.C. and Section 27 of Arms Act was registered against unknown for the occurrence of the murder of the husband of the complainant (Kishundeo Chaudhary) and one another person namely Haribol Yadav in the course of firing between both the parties in which charge-sheet has already been submitted against the other accused persons and by suppressing the said fact, the complainant has filed the present complain case making allegation against the petitioners with ulterior motives, which is in contradiction to her previous statement / application in the said case. Petitioners have got no criminal antecedent.

5. Learned APP opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and submissions of the learned counsel for the parties, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on



furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court where the case is pending in connection with Complaint Case No. 643C of 202, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

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