

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73033 of 2022

Arising Out of PS. Case No.-77 Year-2022 Thana- LAURIA District- West Champaran

Shiv Chaudhary Son of Late Mahanth Chaudhary R/V- Dumariya Tola
Laxmipur P.S- Shikarpur, Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 10.10.2022, in connection with Lauriya P.S. Case No. 77 of 2022, F.I.R. dated 24.03.2022 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

The F.I.R. of the occurrence of murder is against unknown.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis



of the statement of the Raju Chjaudhary who happened to be the brother of the petitioner. He further submits that in fact the father of the petitioner was died on 24.03.2022 but for the first time the brother of the petitioner who is also the son of the deceased has informed the police about the involvement of the petitioner in the present occurrence without any basis. He further submits that except the statement of the brother of the petitioner, no other cogent material has come to suggest the involvement of the petitioner in the present occurrence and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 10.10.2022.

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

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 77 of 2022, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, 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)

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