

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17439 of 2024

Arising Out of PS. Case No.-352 Year-2023 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Chandan Chaudhary @ Chandhan Choudhary Pasi, Son Of Ramdeo Chaudhary @ Ramdev Choudhary Pasi Resident Of Village - Dindyalpur, P.S. - G.B. Nagar, District - Siwan

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Brajesh Kumar Singh
For the Opposite Party/s :	Mr.Khurshid Anwar
	Mr.Arvind Kumar
	Mr.Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-03-2024 1. Heard learned counsel for the petitioner, learned counsel for the opposite party no.2 and learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case by the informant for reasons best known. It is next submitted that from perusal of the allegations as alleged in the F.I.R., it would manifest that the informant alleges that the accused persons including the



petitioner kidnapped his minor son aged about 14 years from a fair and took him to Hakbha Chimney and murdered him and thereafter, concealed his body in water. It is also alleged that four days prior to the occurrence, the accused persons had given threatening to the informant that during the time of the fair, the family would be killed on account of previous dispute.

4. The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the informant is not an eye witness to the occurrence. It is also submitted that the F.I.R. does not even remotely suggest that the informant was informed by someone about the kidnapping of his son by the accused persons. It is next submitted that though the informant alleges that he was threatened by the accused persons four days back, but then, no case or information was given to the police station or before a competent authorities. It is next submitted that the son of the informant has been killed, but then, the petitioner has been implicated in the instant case based on suspicion. It is also submitted that petitioner will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. along with learned counsel for the opposite party no.2 vehemently opposes the anticipatory bail



application of the petitioner, but then, are not in position to rebut the submission of the learned counsel for the petitioner that informant is not an eye witness to the occurrence and the F.I.R. does not even remotely disclose that informant was informed about the occurrence by anyone.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Siwan in connection with G.B. Nagar P. S. Case No.352 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to



cancel the bail bonds of the petitioner after recording reasons and shall take all coercive steps to ensure that petitioner is behind bar. It is further made clear that if charge-sheet is submitted connecting the petitioner with the offence, then in that even, the present anticipatory bail order shall loose its effect.

(Satyavrat Verma, J)

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