

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29597 of 2024

Arising Out of PS. Case No.-446 Year-2023 Thana- NAUTAN District- West Champaran

Surendra Chaudhary S/O Late Sudama Chaudhary R/O vill.- Khadda
Kunjlahi, P.S.- Nautan, Dist.- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Amrit Kirti, Advocate
For the Opposite Party	:	Mr. Satya Nand Shukla, APP1
For the Informant	:	Mr. Alexander Ashok, Advocate
		Mr. Jawed Akhtar, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 22-08-2024 Heard learned counsel for the petitioner as well as

learned counsel for the informant and learned A.P.P for the

State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Nautan P.S. Case No.
446/2023 (G.R. No. 4803/2023) dated 15.10.2023 registered for
the offence punishable u/s 302, 120B and 201 read with 34 of
the Indian Penal Code.

3. As per the prosecution case, the petitioner and the
co-accused persons along with an unknown miscreant are
alleged to have committed murder of the informant's son by
drowning him in the Bhagar river.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case on mere suspicion. Learned counsel for the petitioner has submitted as per para. 27 of the case diary, the tower location of the petitioner was not found at the place of occurrence. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 12.12.2023.

5. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the bail petition of the petitioner by submitting that it is a case of last seen theory. It is further submitted that as per the post-mortem report, the cause of death is due to haemorrhage and shock. The anticipatory bail of the co-accused person has already been rejected by this court *vide* order dated 22.04.2024 passed in Cr. Misc. No. 22162/2024.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bettiah, West Champaran in connection with Nautan



P.S. Case No. 446/2023 (G.R. No. 4803/2023).

7. The application stands allowed.

(Chandra Prakash Singh, J)

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