

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32281 of 2024

Arising Out of PS. Case No.-219 Year-2018 Thana- GOPALPUR District- Bhagalpur

Suraj Kumar @ Ansh Raj Son of Buchkun Choudhary @ Suman Choudhary
@ Suman Kumar Choudhary Resident Of Village - Bari Makandpur, P.S. -
Gopalpur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghwendra Pratap Singh, Adv.
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has earlier moved before this Court with a prayer for anticipatory bail which was dismissed vide order dated 04.11.2019 passed in Cr. Misc. No. 15981 o 2019.

3. The petitioner seeks bail in connection with Sessions Trial No. 226 of 2024 arising out of Gopalpur P.S. Case No. 219 of 2018 instituted for the offences under Section 302, 120(B), 34 of the Indian Penal Code.

4. As per prosecution case, the accusation against the accused persons including the petitioner is of committing murder of the son of the Informant.

5. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He submits that the charge levelled against the petitioner is not direct and specific rather the same is general and omnibus in nature. There is no eye-witness to the alleged occurrence. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 28.02.2024 without any rhymes or reason. Charge-sheet has been submitted. The charge has also been framed in this case. Learned counsel for the petitioner again submits that the co-accused Md. Irshad and Md. Asfak have already been granted bail by a Co-ordinate Bench of this Court vide order dated 06.02.2019 passed in Cr. Misc. No. 79479 of 2018.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner submitting that the petitioner is named in the F.I.R. and there is direct allegation against him of threatening the Informant and his family members after which the incident has taken place. The offence is serious in nature and, thus, the petitioner does not deserve bail.

7. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sessions Trial No. 226 of 2024 arising out of Gopalpur P.S. Case No. 219 of 2018, subject to the following conditions;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

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