

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39821 of 2024

Arising Out of PS. Case No.-353 Year-2023 Thana- BAIRIYA District- West Champaran

Chandeshwar Chaudhary Son Of Sudama Chaudhary Resident Of Village -
Tilgahi, P.S. - Bairiya, District - West Champaran (bettiah)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 11-12-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

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

3. Learned counsel for the petitioner submits that the
petitioner is in custody since 15-12-2023 and is a person with
clean antecedent. It is further submitted that the informant
alleges that his daughter was married to the petitioner in the
year 2007 and on 14.12.2023 the victim called on the mobile of
her mother and informed about the ill treatment being meted out
to her but her mobile was snatched and switched off. It is further
alleged that the informant reached the matrimonial home of his
daughter and found her daughter missing and he saw his grand



children crying and they informed that everyone has killed their mother i.e., daughter of the informant and taken her body wrapped in a quilt for disposing. It is further alleged that children also disclosed that an altercation had taken place between their mother and Manohar Chaudhary, Premshila Devi on account of which all the named accused persons killed the victim by putting a rope around her neck after assaulting her.

4. Learned counsel for the petitioner submits that what is not in dispute rather stands admitted is that the deceased was married to the petitioner in the year 2007 and the instant FIR came to be instituted on 4-12-2023, i.e., after more than 16 years. It is next submitted that in these 16 years, no case ever came to be instituted either by the deceased or the informant alleging any torture. It is further submitted that during the course of investigation, it transpired that at the time of occurrence, the grand children of the informant were not present in the house rather had gone to the school. It is next submitted that Sudama Chaudhary and three others had approached this Court seeking anticipatory bail by filing Cr. Misc No. 36306 of 2024 and the same was allowed by an order dated 1-10-2024, after considering the case on merits. It is next submitted that even the dead body of the deceased was found near bank of a



river, it is thus submitted that had the petitioner or his family members been involved in the occurrence of killing the victim then they would have disposed of the dead body instead of throwing it near bank of a river fearing that if the dead body is recovered in that event they may get implicated. It is also submitted that charges against the petitioner have been framed.

5. Learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that since charges have been framed and if privilege of regular bail is granted to the petitioner, in that event, the petitioner may abscond, on which learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the trial to prove his innocence.

6. Considering the submission made by learned counsel for the petitioner, 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 the learned trial court where the case is pending/successor court in connection with Bairiya P.S. Case No. 353 of 2023.

7. However, the learned trial court before accepting the bail bonds of the petitioner shall verify; whether charges



have been framed or not, and in the event if it is found that charges have not been framed in that event the present bail order shall not be given effect to.

8. It is further made clear that if charges have been framed, the bail bonds of the petitioner shall be accepted forthwith but if the learned trial court after release of the petitioner comes to a conclusion that the petitioner is trying to delay the trial in any manner, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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