

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48237 of 2024

Arising Out of PS. Case No.-2 Year-2021 Thana- DALSINGHSARAI District- Samastipur

Rakesh Kumar Choudhary @ Rakesh Choudhary Son Of Late Nawal Kishor Chaudhary Resident Of Village - Soera, P.S. -dalsinghsarai, District - Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ujjwal Kumar, Advocate
For the State : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 26-10-2024 Heard Ld. counsel for the petitioner and Ld. APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Dalsinghsarai Case No. 02 of 2021 dated 27.11.2020, registered for the offences punishable under Sections 364, 504, 506 and 120(B) of the Indian Penal Code.

3. As per the allegation, accused-petitioner along with the co-accused has committed abduction of husband of the informant.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case on account of land dispute between the present petitioner and the deceased. He further submits that there is possibility of



foul play by the wife (informant) herself because after this occurrence, she has left the matrimonial home and she has re-married and just to save her skin, she has filed the present case after delay of 21 days. He further refers to the case diary wherein there is no material against the petitioner and as per the material collected during investigation, there is still no clue regarding whereabouts of the allegedly abducted person. He further submits that whole case is based only on suspicion and there is no cogent material in support of the prosecution case against the petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has one criminal antecedent.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on his



furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M.-1st., Dalsinghsarai, Samastipur, in connection with Dalsinghsarai Case No. 02 of 2021, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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