

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62872 of 2024**

Arising Out of PS. Case No.-52 Year-2024 Thana- SRINAGAR District- West Champaran

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Hakeem Chaudhary S/o- Shiv Ratan Chaudhary Resident of Vill-  
Jagdambapur, Bhartapiya, P.S.- Srinagar, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                          |
|--------------------------|---|--------------------------|
| For the Petitioner/s     | : | Mr. Sanjeev Kumar, Adv.  |
| For the Opposite Party/s | : | Mr. Anil Kumar, APP      |
| For the Informant        | : | Mr. Mayank Mohan, Adv.   |
|                          | : | Mr. Pritish Ranjan, Adv. |

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      20-11-2024                      Heard Mr. Sanjeev Kumar, learned Advocate for the  
  
petitioner and the learned APP for the State. The informant  
  
appears through Mr. Mayank Mohan, learned Advocate.

2. The petitioner seeks regular bail, who is in custody  
  
in connection with Srinagar P.S. Case No. 52 of 2024 registered  
  
for the offence punishable under Sections 302, 201 and 34 of the  
  
Indian Penal Code.

3. Based upon the written report, the prosecution  
  
alleges that the brother of the informant was having love affair  
  
with one Puja Kumari. The family members of Puja Kumari,  
  
whose names have been disclosed in the FIR, called the  
  
deceased in the night of 05.04.2024 and beaten him to death. It  
  
is further alleged that the dead body of the deceased was

thrown near the railway line in order to conceal the evidence of murder and give the present occurrence a color of railway accident.

4. Learned Advocate for the petitioner referring to the FIR primarily contended that the informant is not an eye witness to the alleged occurrence and in fact, only on account of the love affair and mysterious death of the deceased, suspicion has been raised against all the family members and the persons related to Puja Kumari. During the course of investigation, it has come that the deceased was having a love affair with Puja Kumari and on protest being made by the family members he committed suicide and thus, the police has submitted the charge-sheet under Sections 306 and 34 of the Indian Penal Code. It is further contended that be that as it may, now the petitioner is in custody since 09.04.2024 having absolutely clean antecedent. Investigation of the crime is already complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State and learned Advocate for the Informant vehemently oppose the bail application and submit that the motive behind causing the death of the deceased is apparent, as he was having love affair with Puja Kumari and all the accused persons were protesting the

same. In fact, the deceased was brutally assaulted by all the co-accused persons, and thereafter his dead body was thrown at the railway line in order to give the present occurrence, a color of railway accident. The postmortem report suggests the injuries sustained by the deceased has been caused by hard and blunt object.

6. Regard being had to the submissions made on behalf of the parties and taking note of the omnibus nature of the allegation against all the FIR named accused persons coupled with the fact that the police after investigation submitted charge-sheet under Sections 306 and 34 and the petitioner having fair antecedent incarcerated since 09.04.2024, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with one surety of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Bettiah, West Champaran in connection with Srinagar P.S. Case No. 52 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J.)**

Jyoti Kumari/-

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