

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80237 of 2024

Arising Out of PS. Case No.-486 Year-2016 Thana- GAYA MUFASIL District- Gaya

1. Inderdeo Chaudhary S/O Baijnath Chaudhary Resident of village - Tanma Meyari Police station - Fatehpur, District - Gaya
2. Lalu Kumar@ Lalu Choudhary S/o Bindeshwari Chaudhary Resident of village - Mardi, Police station - Wazirganj, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary, Advocate
For the Opposite Party/s : Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-11-2024 Heard the parties.

2. The petitioners are in custody in connection with Muffasil P.S. Case No. 486 of 2016 for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 02.11.2016 by the informant, Soni Devi.

3. As per the prosecution story, the informant, a lady, alleged that earlier, son of Laljit Chaudhary was assassinated in which her husband was an accused. Once, he was out of jail, the accused persons used to threaten him of dire consequences and in furtherance of that, they fired indiscriminately which ultimately led to his death.



4. The petitioners are named accused in a criminal case lodged in the year 2016 in which the husband of the informant was killed who was also accused in a case of murder of son of Laljit Chaudhary.

5. From the record, it appears that the petitioners preferred anticipatory in Cr. Misc. No. 22328 of 2018 which came to be rejected by a Bench of this Court [**HMJ Ashwani Kumar Singh** (as his lordship then was)] on 27.04.2018. Instead of surrendering, they again preferred another anticipatory bail vide Cr. Misc. No. 16813 of 2019 which naturally had the same result inasmuch as it was rejected on 10.04.2019 by the same bench after recording that “*no fresh ground for grant of pre-arrest bail to the petitioners can be considered. The plea of innocence can be best appreciated before the Court at an appropriate stage and in view of the gravity of the offence and the allegations made against the petitioners in the FIR, he saw no reason to take a different view in the matter.*”

6. This order came to be passed on 10.04.2019. Five and a half years later, these two petitioners who are named in the FIR chose to surrender on 03.09.2024 (paragraph-4 of the petition).



7. Though learned counsel for the petitioner submits that they are innocent and only because there was an enmity, have been implicated, learned APP submitted that not only they defied the law of the land by absconding for eight years, the informant has personally named them as accused who opened indiscriminate firing which resulted into the death of her husband.

8. This Court finds force in the submissions of the learned APP for the State. Since the trial has already been delayed as the petitioners chose to surrender after eight years, it would be appropriate that they face trial.

9. The present bail application stands rejected.

(Rajiv Roy, J)

Adnan/-

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