

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4315 of 2024

Arising Out of PS. Case No.-385 Year-2022 Thana- DEEPNAGAR District- Nalanda

DIPU CHAUDHARY SON OF ASHOK CHAUDHARY RESIDENT OF
VILLAGE - PRABHU BIGHA, POLICE STATION - MANPUR, DISTRICT
- NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-02-2024 Heard the parties.

2. The petitioner is in custody in connection with Deepnagar P.S. Case No. 385 of 2022 for the offence punishable under sections 302, 201, 120(B)/34 of the Indian Penal Code lodged on 20.08.2022, by the informant, Gulabo Devi.

3. As per the prosecution story, the informant, daughter of the deceased, alleged that the dead body of her mother which was found in the well, the act has been committed by her brother, Dharamdeb Choudhary. Accordingly, the FIR. Subsequently, Dharmdev Chaudhary was apprehended and he gave the name of this petitioner as also Bipin Choudhary who also helped him in killing the mother of Dharamdeb Choudhary.

4. Learned counsel for the petitioner submits that main allegation in the FIR is against Dharamdeb Choudhary, under police custody, he has made a confession implicating this



petitioner, he do not have any role to play in the matter and another accused Bipin Choudhary against whom also the same allegation was made has been granted bail in Cr. Misc. No. 78380 of 2023 dated 06.11.2023 (Annexure-2 of the petition).

5. Learned APP opposes the prayer for bail stating that his name has come in the confessional story.

6. Considering the submission put forward by the parties as also the fact that the main culprit is Dharamdeb Choudhary, the petitioner has been named along with Bipin Choudhary by the said Dharamdeb Choudhary, Bipin Choudhary has been granted bail as stated above, in custody since 27.09.2023 (para 16 of the petition) and do not have any criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif, in connection with Deepnagar P.S. Case No. 385 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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