

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46 of 2024

Arising Out of PS. Case No.-239 Year-2023 Thana- AMAUR District- Purnia

1. Kailash Choudhary @ Kailash Chaudhary Son Of Late Sanglu Choudhary Resident Of Village - Belgachhi, Ward No.10, P.S. - Amour, District - Purnea
2. Raju Choudhary Son Of Kailash Choudhary Resident Of Village - Belgachhi, Ward No.10, P.S. - Amour, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raj Kumar, Advocate
	:	Mr. Rohit Kumar, Advocate
	:	Ms. Beauty Verma, Advocate
For the Opposite Party/s	:	Mrs.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr.Raj Kumar, learned counsel for the

petitioners and Mrs.Anita Kumari, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Amour P.S.Case No.239 of 2023, FIR dated 31.07.2023 registered for the offences punishable under Sections 302,506/34 of the Indian Penal Code.

3. Allegation against the petitioners is that they alongwith others have together killed the informant's son Rocket Kumar @ Rakesh Kumar and hanged him on the window near the staircase of the middle school due to previous land dispute. One day ago, petitioner Raju Cahudhary had



threatened the mother of the deceased to kill the deceased.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. It appears from the FIR that the informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion the petitioners have been made accused in the present case due to admitted land dispute between the parties and except the suspicion no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence and petitioner No.1 is cousin brother and petitioner No.2 is cousin nephew of the informant.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners but fairly submits that except the suspicion no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence. Further submits that the petitioners carry one more case other than the present one but fairly submits that the petitioners on bail in the said case, as mentioned in para-3 of the anticipatory bail petition.

6. Considering the aforesaid facts, let the petitioners,



above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Purnea in connection with Amour P.S. Case No.239 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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