

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14459 of 2025

Arising Out of PS. Case No.-70 Year-2024 Thana- AZIMABAD District- Bhojpur

Byas Chaudhary S/O Baij Nath Chaudhary R/O Village- Nurpur, P.S-
Azimabad, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This is the first regular bail application of the
petitioner seeking his regular bail in connection with Azimabad
P.S. Case No.70 of 2024, registered for the offence under
Sections 137(2), 140(3), 61(2), 103(2) and 238 of BNS.

3. According to the case of prosecution, on
13.08.2024 the informant Shila Devi lodged a written report
mentioning therein that on 12.08.2024 at about 07:00 P.M. her
husband Sudhan Choudhary went for attend the call of nature
but he did not return. It is further alleged that on 13.08.2024 at
about 04:00 A.M. her brother-in-law Budhan Chaudhary and his
mother-in-law Shanti Kunwar went to search her husband but
they also did not return. On the basis of the above report made



by Shila Devi, the offence has been registered. The dead body of Sudhan Chaudhary, Shanti Kunwar and Budhan Chaudhary were found near the side of Sone river on 15.08.2024. During course of investigation, on the basis of the statements of Ram Ayodhya Chaudhary and Jitendra Chaudhary recorded by the police, the present applicant is arrested on 17.08.2024 and since then he is in custody.

4. It is submitted by the learned counsel for the petitioner that petitioner is innocent and has falsely been implicated in the present case only on the basis of suspicion. He further submits that the dead body of the three persons, as mentioned herein above, were found in decompose condition. The cause of death is still not ascertained by the investigating officer. Though in their statement Ram Ayodhya Chaudhary and Jitendra Chaudhary stated that they saw the present applicant along with other co-accused persons throwing the dead body near the river but they did not disclose this fact till 17.08.2024, therefore, their statements are not reliable. Apart from their statements, there is no any other admissible evidence available against the petitioner on record. He further submits that co-accused Shiv Chaudhary and Shiv Charan Chaudhary have already been granted bail by the Sessions Court itself, therefore,



on these grounds, it is prayed that the petitioner may be granted benefit of bail.

5. Learned counsel for the State opposes the arguments raised by the counsel for the petitioner.

6. Heard.

7. Perused the case diary and other materials available on record.

8. Considering the submissions made by the counsel for the petitioner and particularly considering the materials available on record as also the co-accused persons have already been granted bail by the Sessions Court itself, I am of the view that it is a case where the petitioner should be granted benefit of bail.

9. Accordingly, the application is allowed.

10. The petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Azimabad P.S. Case No.70 of 2024.

(Arvind Singh Chandel , J)

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