

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21778 of 2025

Arising out of PS. Case No.-385 Year-2024 Thana- BAIRIYA District- West Champaran

Surendra Choudhary, Son of Late Saryug Choudhary, Resident of Village -
Siswa Saraiya, P.S.- Bairiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 09-05-2025 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Bairiya P.S. Case No. 385 of 2024 instituted for the offences under Sections 103(1), 238 and 3(5) of the BNSS, 2023. He has two criminal antecedents, i.e., (i) Bairiya P.S. Case No. 311 of 2004 under Section 364 (C) of Cr.PC. (ii) Bairiya P.S. Case No. 48 of 2008 under Sections 147, 18, 364(A) of IPC. The petitioner is on bail in both the cases.

3. The allegation as per the *fardbeyan* of the informant is that the petitioner along with five others co-accused persons are said to have killed and has hidden the dead body of the



deceased namely Rima Devi who is the daughter of the informant.

4. It is submitted by learned counsel for the petitioner that the petitioner is '*Gotiya/Pattidar*' of the husband of the deceased and there is general and omnibus allegation against the petitioner. It is further submitted by learned counsel for the petitioner that the the similarly situated co-accused person namely Manoj Choudhary has been granted bail by a Co-ordinate Bench of this Court *vide* order dated 19.04.2025 passed in Cr. Misc. No. 4021 of 2025. It is also submitted by learned counsel for is that the petitioner in custody since 09.01.2025.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that the petitioner was one of the accomplice in killing the daughter of the deceased.

6. Considering the aforesaid submissions of respective counsel and taking into account the fact that the similarly situated co-accused person has been granted bail by a Co-ordinate Bench of this Court and the petitioner is in custody since 09.01.2025, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Additional Chief Judicial Magistrate-III, West Champaran, Bettiah in connection with Bairiya P.S. Case No. 385 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner except above-mentioned two cases and in case at any stage it is found that the petitioner has concealed his criminal antecedent except these two cases, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of the same or
in the name of verification.

(Sourendra Pandey, J)

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