

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37757 of 2025

Arising Out of PS. Case No.-165 Year-2024 Thana- PATEPUR District- Vaishali

Abhinash Kumar son of Late Ramu Chaudhari village- Simarwara Durgapur,
PS- Patepur District -Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Bhardwaj, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner seeks bail in connection with Patepur P.S. Case No. 165 of 2024 registered for the offences under Sections 302 and 34 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons murdered the husband of the informant and threw the dead body in a field.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Informant is not an eye-witness and was not present even in town when the alleged incident took place. The FIR has been lodged after delay of two days without



any explanation. There is no specific allegation against the petitioner or any of the co-accused persons. Learned counsel further submits that the petitioner and others have been falsely implicated due to reason that the deceased and co-accused Rajendra Choudhari are cousin brothers and in the year 2017 son of Rajendra Choudhari was killed by informant side in which deceased was also an accused and Patepur P.S. Case No. 99 of 2017 has been registered against the deceased and others. Even the post-mortem report does not support the prosecution case. No external injuries have been found on the body of the deceased except an abrasion over right knee joint. Cause of death is stated to be myocardial infarction and it shows the husband of the deceased died due to heart attack. Viscera has been preserved. This falsifies the allegation against the petitioner and others for assaulting the husband of the informant. Learned counsel further submits that co-accused Shardha Devi has been granted bail by a Co-ordinate Bench of this Court vide order dated 09.04.2025 passed in Cr. Misc. No. 84963 of 2024 and Rajendra Choudhary @ Rajendra Choudhari and Mintu Choudhary @ Mintu Kumar have also been granted bail by another Co-ordinate Bench vide order dated 07.05.2025 passed in Cr. Misc. No. 88493 of 2024. Petitioner is in custody



since 15.10.2024 and charge-sheet has been submitted.
Petitioner is having clean antecedent.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and further considering the absence of any injury though there is specific allegation on this count and also considering the period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned ACJM-XIII-cum-Sub Judge-XIV, Vaishali, Hajipur/concerned court in connection with Patepur P.S. Case No. 165 of 2024, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other 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.



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

(Arun Kumar Jha, J)

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