

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31886 of 2025

Arising Out of PS. Case No.-16 Year-2025 Thana- CHANDI District- Nalanda

Lay Choudhary @ Labh Choudhary @ Lav Choudhary @ Love Chaudhary,
S/O Rambali Choudhary, R/O Village- Narsanda, P.S- Chandi, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Ritwik Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Anuj Kumar Shrivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-08-2025 Heard the parties.

2. The petitioner seeks regular bail, who is in custody in connection with Chandi P.S. Case No. 16 of 2025 registered for the offences punishable under Sections 103(1), 238(A), 303(2), 61(2) of the of the Bharatiya Nyaya Sanhita, 2023.

3. Based upon the fardbeyan, the prosecution alleges that the husband of the informant was indulged in money lending on interest and he has also extended loan to various persons, including the petitioner. While the husband of the petitioner was taking meal in his house, in the meanwhile, he received a mobile call and on query the husband of the informant disclosed the name of the caller as Ravi. The husband of the informant told her that the said person had called him



near Badaura School, whereupon he left the house saying her that he would be returned within ten minutes. The husband of the informant did not return till night and in the morning, hulla was raised that the dead body of the informant's husband was found near a Pain.

4. Mr. Ajay Kumar Thakur, learned Advocate for the petitioner submitted that the entire case is based upon suspicion and circumstantial evidence, as the petitioner was also one of the persons, who had taken loan from the deceased. On the fateful day, since some conversations have taken place between the deceased and the petitioner, though even as per the mobile location, the petitioner was not found near the place of occurrence, but later on, the name of the petitioner has been implicated in this case. The confessional statement was also recorded by the police, under custody and thus not admissible. Save and except, the confessional statement, there is no other cogent material suggesting the complicity of this petitioner in the crime. There is no eye witness to the alleged occurrence nor the petitioner was lastly seen with the deceased or nearby the place of occurrence. The confessional statement also does not corroborate with the injury sustained over the body of the deceased. In fact, during the course of investigation, it has come



that the petitioner was engaged in immoral activities and he might have been killed by some other persons, but only on the basis of suspicion, the name of all the persons, including the petitioner, who had taken loan from the husband of the informant, made accused in the present case without their being any cogent material. The petitioner has absolutely clean antecedent and he also undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the deceased was done to death in a gruesome manner and moreover the confessional statement of the petitioner shows his complicity in the crime.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the fact that save and except the suspicion and confessional statement, there is no other cogent material, coupled with the fair antecedent and the period of incarceration, as also the fact that the investigation is complete and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate-I, Hilsa, Nalanda in connection with Chandi P.S. Case No. 16 of 2025, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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