

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37692 of 2025

Arising Out of PS. Case No.-30 Year-2024 Thana- Chhaudahi District- Begusarai

Memraj Chaudhary @ Kanma @ Kanoma S/o Bharosy Chaudhary @ Ram
Bharose Chaudhary @ Ram Bhrose Choudhary @ Ram Bharosh Chaudhary,
R/o Village- Sawant, Ward No. 12, P.S.- Chhaurahi, Dist.- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kumar Binode Bariar, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioner seeks bail in connection with Chhaurahi P.S. Case No. 30 of 2024 dated 28.04.2024, registered for the offences punishable under Sections 341, 323, 302, 120B, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and other co-accused persons who were variously armed came to the house of the informant and hurling abuses demanded to know the whereabouts of the son of the informant who was sleeping in the house. They broke open the locks of the door and entered into the house of the informant. The co-accused Ritesh



Chaudhary caught hold of the son of the informant and another co-accused Bablu Chaudhary slit the neck of the son of the informant with a sharp edged weapon. The son of the informant died during the course of treatment.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. There is no allegation against the petitioner of any overt act in killing of the son of informant. During investigation it has come that there was love affair between the victim and minor daughter of the co-accused Gopal Chaudhary and on the fateful night, the minor girl was called out by the son of the informant and the brother of the minor girl followed her. When the girl entered the room of the deceased, her brother broke open the door and slit the throat of the son of the informant by a sickle. This fact has been mentioned by the girl in her statement recorded under Section 161 of the Cr.P.C., however, she did not take the name of this petitioner for being a participant in the said occurrence. Learned counsel lastly submits that petitioner is in custody since 04.02.2025 and chargesheet has been submitted and petitioner is having clean antecedent.



5. Learned A.P.P. appearing on behalf of the State opposes the submission made on behalf of the petitioner and submits that petitioner and other co-accused persons have been specifically named in the FIR and they have murdered the son of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no allegation of any overt act against the petitioner and further considering his clean antecedent, the submission of chargesheet and his period of custody, 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 Chief Judicial Magistrate, Begusarai / concerned Court, in connection with **Chhaurahi P.S. Case No. 30 of 2024**, subject to the condition laid down under 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, if so required by the learned trial Court.



(iii) In case of non-appearance of the petitioner on single date 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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