

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39081 of 2025

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

Devendra Choudhary @ Devendra Kumar S/O Lal Bahadur Choudhary R/O
Vill.- Siswa Saraiya, P.s.- Bairiya, Dist.- 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. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 27-06-2025 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 three criminal antecedents, i.e., (i) Bairiya P.S. Case No. 24 of 2017 under Sections 341, 323, 324 and 504/34 IPC (ii) Bairiya P.S. Case No. 144 of 2024 under Section 30(a) of Bihar Prohibition and Excise Act and (iii) Bairiya P.S. Case No. 141 of 2016 under Sections 385 and 387 IPC.

3. The allegation as per the *fardbeyan* of the informant is that the petitioner along with five other 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 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 and Surendray Choudhary has been granted bail by this Court *vide* order dated 09.05.2025 passed in cr. Mis. No. 21778 of 2025. It is also submitted by learned counsel that the petitioner is in custody since 27.02.2025.

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 as well as by this Court and the petitioner is in custody since 27.02.2025, 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 three cases and in case at any stage it is found that the petitioner has concealed his criminal antecedent except these three 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.

7. In view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police, West Champaran, Bettiah within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

8. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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