

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69099 of 2024

Arising Out of PS. Case No.-71 Year-2023 Thana- CHANDAUTI District- Gaya

1. Ravi Kumar @ Ravi Chaudhary Son of Vijay Chaudhary Resident of Village- Kujapi (Kewali), Tola- Gyani Bigha, P.S.- Chandauti, Distt.- Gaya
2. Santosh Kumar @ Santosh Chaudhary Son of Vijay Chaudhary Resident of Village- Kujapi (Kewali), Tola- Gyani Bigha, P.S.- Chandauti, Distt.- Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-01-2025 Heard Mr. Shailesh Kumar, the learned counsel for the petitioners and Mr. Anil Kumar, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chandauti PS Case No. 71 of 2023, FIR dated 30.01.2023, registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

3. According to the prosecution case, the son of informant went missing and later the dead body of informant's son was found in her neighbour's house.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been



implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that upon perusal of the FIR, it appears that informant is not the eyewitness to the alleged occurrence and merely on the basis of suspicion she has falsely implicated the petitioners in the present occurrence. He further submits that nothing has come during investigation which suggests that involvement of the petitioners in the present occurrence. He further submits that the dead body of the son of the informant was recovered from the house of one Karu Chaudhary, who is a co-accused in the present case.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent, nothing has come during investigation which suggests the involvement of the petitioners in the present occurrence and dead body of the son of informant was recovered from the house of the co-accused, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within



a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya, where the case is pending in connection with **Chandauti PS Case No. 71 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners.



However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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