

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73932 of 2024

Arising Out of PS. Case No.-238 Year-2024 Thana- HILSA District- Nalanda

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1. Manoj Chaudhary Son of Kameshar Chaudhary R/o Village- Diyawar, P.S.- Karai Pasurai, Dist.- Nalanda
 2. Sonu Kumar Son of Manoj Chaudhary R/o Village- Diyawar, P.S.- Karai Pasurai, Dist.- Nalanda
 3. Jeetu Kumar Son of Manoj Chaudhary R/o Village- Diyawar, P.S.- Karai Pasurai, Dist.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the State : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 22-01-2025 Heard Ld. counsel for the petitioners and Ld. APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Hilsa P.S. Case No. 238 of 2024 dated 09.04.2024, registered for the offences punishable under Sections 302, 120B read with Section 34 of the Indian Penal Code.

3. As per the FIR, lodged by the brother of the deceased, is that the dead body of his brother was found on road near the Rice Mill at village Yarpur. It is also stated by the informant in his written report that the deceased brother has



illicit relationship with one Preeti Kumari, wife of Pappu Chaudhary. The illicit relationship was being opposed by the husband of Preeti Kumari as well as her relatives from her parents' side.

4. Ld. counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners are brothers of Preeti Kumari and they live in a different village away from the village of Preeti Kumari and they have no concern with the private life of Preeti Kumari. Their names have been impleaded only on basis of suspicion.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedents.

7. Ld. APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the aforesaid facts and circumstances and finding as per the case diary that there is no cogent material to connect the petitioners with the alleged offence, **this petition is allowed**, directing the petitioners above-named, to be



enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M.-Ist, Hilsa (Nalanda), in connection with Hilsa P.S. Case No. 238 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

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