

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77243 of 2024

Arising Out of PS. Case No.-273 Year-2023 Thana- BALIYA District- Begusarai

Amlesh Chaudhary @ Amlesh Choudhary, S/o Late Radha Chaudhary @ Raja @ Radhakant Chaudhary, R/o village - Masudanpur (Maksudanpur), P.S. - Ballia, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shubhesh Pandey, Advocate Mr. Vinit Kumar, Advocate Mr. Amit Kumar Mishra, Advocate
For the State	:	Mr.Pranav Kumar, APP
For the Informant	:	Mr. Ravindra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-01-2025 Heard learned counsel for the petitioner, learned APP
for the State and the learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Ballia P.S. Case No. 273 of 2023, registered for the alleged offences under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the father of the informant was shot dead by the unknown miscreants while he was sleeping. The name of the petitioner transpired during investigation for being involved in the murder of the father of the informant.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner was not named by the informant and even in his restatement, the petitioner was not named. The whole case against the petitioner is based solely on suspicion and there is no material to connect the petitioner with the offence as alleged. The prosecution has tried to show that the petitioner was absent after the occurrence and, for this reason, he has been made as suspect in this case. The tower location of the mobile number of the petitioner being found at the place of occurrence is immaterial for the reason that the petitioner is also resident of same place as that of the deceased. It is only at the instance of local *chaukidar*, the petitioner has been made accused in this case as the local *chaukidar* stated that the petitioner and other co-accused persons were involved in the murder of the father of the informant. The petitioner is in custody since 21.08.2024 and charge sheet has been submitted. The petitioner is having antecedent of one case.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. The learned counsel for the informant submits that during investigation, the witnesses have stated about suspicious activities of the petitioner. In paragraph



47 of the case diary, the informant in his restatement has named the petitioner for being involved in the murder of his father. The learned counsel further submits that the call details report and tower location of the mobile number of the petitioner show presence of the petitioner at the place of occurrence. The post mortem report also shows death has been caused with the use of firearm and injury caused by such use has resulted in the death of the father of the informant.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the lack of substantive material to connect the petitioner with the offence as alleged and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Ballia P.S. Case No. 273 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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