

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84007 of 2024

Arising Out of PS. Case No.-247 Year-2019 Thana- BANKA District- Banka

Horil Choudhary S/o- Mehilal Choudhary R/o- Mirzapur Chaugori Ps-
Barahat District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Satyaveer Jha, Advocate
For the Opposite Party/s	:	Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 15-04-2025 Heard Mr. Yogesh Chandra Verma, learned Senior
Counsel for the petitioner and Mrs. Pushpa Sinha, learned APP
for the State.

2. The petitioner is in jail in connection with Banka
P.S. Case No. 247 of 2019 for offences under Sections 302/34 of
the IPC.

3. As per the prosecution, the petitioner along with two
namely, Sudama Choudhary and Kartik Chaodhary all variously
armed, caught hold of the father of the informant and the
informant himself fled at sub distance and later he heard the sound
of gun shots and when he came back he saw his father dead.

4. Learned Senior Counsel has submitted that the
petitioner is innocent and he has falsely been implicated in the
present case. The informant is not an eye-witness of the case as



he has himself admitted that he had fled from the place of occurrence. The learned Senior Counsel has stated that the two named co-accused persons Sudama Choudhary and Kartik Choudhary have been granted regular bail by this Hon'ble Court vide Cr. Misc. No. 30766 of 2020 and 13180 of 2020 by order dated 04.12.2020 and 07.09.2020 respectively. Lastly the learned Senior Counsel has submitted that the petitioner is in custody since 08.07.2024.

5. The learned APP for the State has opposed the prayer for bail and has contended that there is specific allegation upon the petitioner and two other Sudama Choudhary and Kartik Choudhary who have killed the father of the informant. The learned APP further submits that this case is of 2019 and the petitioners anticipatory bail was rejected in the year 2021 and thereafter he had been evading and hence he does not deserve the liberty of bail.

6. Considering the facts and circumstances and taking into account the fact that the petitioner case stand on similar footing to that of Sudama Choudhary and Kartik Choudhary let the petitioner be released on bail furnishing bail bond of 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.



Banka in connection with Banka P.S. Case No. 247 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of the BNSS as well as subject to the following conditions:-

- (i) Both the bailors of the petitioner should be the local resident and one of the bailor should be immediate relative of the petitioner.
- (ii) The Petitioner shall fully co-operate before trial of the case and shall be present on each and every date of the trial.
- (iii) The petitioner if absence himself on two consecutive date then the prosecution shall be at liberty to move for cancellation of his bail bond.

(Sourendra Pandey, J)

Raj Ranjan/-

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