

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45748 of 2015

Arising out of PS.Case No. -305 Year- 2014 Thana -TAJPUR District- SAMASTIPUR

Parth Kumar, S/o Munna Choudhary, resident of Village Chandauli, P.S. Tajpur, District Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Bijay Bhushan Prasad, Advcate.

For the Opposite Party : Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-12-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 31.07.2015
in connection with Tajpur P.S. Case No. 305 of 2014 for the
offences instituted under Section 302/34 of the I.P.C.

The prosecution story, in brief, is that one Sudhakar
Choudhary, the informant gave his written application before the
S.H.O. on 13.09.2014 disclosing therein that he belongs to a poor
family and for livelihood of their family, all his three brothers are
living out of village and his old mother is living in his native
village-Chadauli. Padmakar Choudhary lives in Gaya, Ashok
Choudhary lives in Sonipat and informant himself lives at
Kolkata. It is alleged that elder brother of the informant is



Padmakar Choudhary and on 12.09.2014 who had made a call to mother, but she did not reply, thereafter, he tried repeatedly to talk with her, and when he failed to talk with her, then he informed one Shanti Devi @ Kumku who is his sister, who resides in Akaha Village under Ujiarpur Police station, and thereafter she also tried to call her mother, but no response was given, thereafter she made call to one Mod Narayan Choudhary, and she disclosed all the facts and further she requested him to go her house and consult with her mother, thereafter the said Mod Narayan Choudhary went there and found his mother in dead condition. Thereafter, he informed and subsequently informant and others have also been informed about the incident. After getting information, sister of the informant along with her husband and son went there, and thereafter local people also gathered and it was found that the household articles were scattered, trunk was found unlocked, dead body was found lying and, eyes were smashed and one digger injury was also found on temporal region neck was cut. Suspicion has been raised that her mother had some money and ornament and same have not been found anywhere. Informant has further raised suspicion that under temptation of ornament and money some unknown miscreants had killed her.

It has been submitted on behalf of the petitioner that the

petitioner has got no criminal antecedent. The petitioner is in custody since 31.07.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering of the evidence against the petitioner. No specific injury has been attributed against the petitioner. The petitioner has been made accused in the present case merely on the basis of suspicion. There is no eye witness to the alleged occurrence

On behalf of the State it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Samastipur, in connection with Tajpur P.S. Case No. 305/2014.

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(Sudhir Singh, J)