

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55316 of 2015

Arising Out of PS.Case No. -9 Year- 2015 Thana -KARAHGAR District- SASARAM (ROHTAS)

Kishor Choubey @ Kishori Choubey, Son of Ayodhya Chaubey, Resident of Village - Tetararh, P.S. - Kargahar (Barahari O.P.), District - Rohtas (Sasaram).

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Adv.

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 17-12-2015 Heard Sri Babu Nandan Prasad, learned counsel for the petitioner and learned Addl. Public Prosecutor.

The petitioner, who is in custody in connection with Kargahar (Barahari O.P.) P.S. Case no. 09/15 registered for the offence under Sections 302,201/34 of the Indian Penal Code, has prayed for grant of bail.

It was submitted by learned counsel for the petitioner that from the F.I.R. itself, it is evident that none had seen the occurrence. Only it was alleged that all the family members of the husband of the daughter of the informant have killed the daughter of the informant, whose marriage was solemnized in the year 2004. It has been argued that the husband of the deceased is already in custody since 22.01.2015, which fact has been stated in

paragraph-16 of the petition. He further submits that one of the accused, who is none else but father-in-law of the deceased has also been granted bail on 30.10.2015 vide Cr. Misc.No.30706 of 2015 by a Bench of this Court. On the aforesaid ground, a prayer has been made for grant of bail to the petitioner.

Learned Addl. Public Prosecutor has opposed the prayer for bail of the petitioner.

However, on perusal of the order passed by the learned 1st Addl. Sessions Judge, it is evident that without perusal of the case diary, he has rejected the bail petition and the learned Addl. Sessions Judge has also noticed that there is no specific accusation against the petitioner. The petitioner being elder brother of the husband of the deceased deserves to bail.

Keeping in view the facts that there is no specific accusation against the petitioner, let the petitioner, namely, Kishor Choubey @ Kishori Choubey 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 learned Additional District Judge-III, Rohtas (Sasaram) in connection with Kargahar (Barahari (O.P.) P.S. Case no.09/15

(Rakesh Kumar, J)

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