

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24676 of 2015

Arising out of PS.Case No. -56 Year- 2015 Thana -BIHPUR District- BHAGALPUR

Kare Chaudhari @ Bibhash Choudhari, son of Late Chabila Choudhari, R/o village - Amarpur, P.S. - Bihpur, District - Bhagalpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Chandan Kumar Kashyap, Advocate.

For the Opposite Party : Mr. Pushpa Sinha (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-08-2015 The petitioner is languishing in custody since 13.03.2015 in connection with Bihpur P.S. Case No. 56 of 2015 for the offences instituted under Sections 328, 302 and 201/34 of the I.P.C.

Heard learned counsel for the petitioner and learned counsel for the State.

The prosecution story, in brief, is that on the basis of fardbeyan of Rohit Raj, informant, recorded by the S.I. R.K. Sharma of Bihpur P.S. at 18 hours on 11.03.2015 at Ghautora Dhar in Gauripur Bahlar stating therein that at present he is a Chowkidar of Bit No. 1/10 Amarpur Area. Yesterday on 10.03.2015 there was rumor in the village that Homeopathy Dr. Sachidanand Chaudhuri(deceased) is not coming to his Clinic

since Sunday 08.03.2015 there was quarrel took place in the construction of Nala(Drain) at the home and thereafter he has not seen. He went to the house of Sachidanand Chaudhuri but he was not found. His nephew Prashant @ Sonu told that he was constructing the Nala at another place after breaking the existing Nala in the house and on this fact he (deceased) became annoyed and asked why you have broken the Nala and why you have wasted the money. Hot talk took place on this fact after that he (deceased) become annoyed and fled away from the house. It is further stated that earlier he (deceased) had many times fled away from his house. It is further stated in the fardbeyan that deceased Dr. Sachidanand Chaudhuri was living alone and he had no wife and children and he was taking food at his brother's house Manohar Chaudhuri while son of Manohar Chaudhuri had broken the Nala then quarrel was took place with Prashant @ Sonu and Dr. deceased consumed/Inhale Thymate Dr. was called but he died. The inmate of the house with the help of Kare Chaudhuri @ Bibhash Chaudhuri petitioner, Nand Kishore Chaudhuri, Sadanand Chaudhuri, Kanhaiya Chaudhuri, Ramratan Chaudhuri all resident of village Amarpur screened away the dead body. Some body was telling that Doctor was killed and thrown into the river. But after being search the dead body of old person was found near the



Ghatora Ghat and the Choukidar went there and found that this is the dead body of Dr. Sachidanand Chaudhuri @ Upendra Chaudhuri aged 65 years son of Gore Lal Chaudhuri R/o Amarpur. The dead body was identified by Chowkidar Binod Paswan and Dafadar Dobhi Mandal and villagers. From perusal of the dead body it appears that Dr. Sachidanand Chaudhuri was given poison by any means and he was murdered and his dead body was screened away pouring Acid on the dead body with a view to not identifying the dead body. On the basis of the fardbeyan F.I.R. against Kare Chaudhuri(petitioner) alongwith Prashant and Sadanand Chaudhuri was registered bearing Bihpur P.S. Case No. 56/2015 u/s 328, 302, 201/34 I.P.C.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 13.03.2015 and the charge sheet has been submitted in the present case. It is further submitted that from perusal of the prosecution case, no allegation of assault has been made against the petitioner. The petitioner has been made accused only he had participated in disposal of the dead body.

On behalf of the State it has been submitted that the petitioner is 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 A.C.J.M., Naugachia in connection with Bihpur P.S. Case No. 56 of 2015.

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(Sudhir Singh, J)