

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15784 of 2016

Arising Out of PS.Case No. -402 Year- 2015 Thana -WAJIRGANJ District- GAYA

Prabhu Chaudhary @ Prabhu Choudhary, Son of Late Suraj Choudhary,
Resident of Village - Ghurha, P.S.- Wazirganj, District - Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad(APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-05-2016 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is languishing in jail since 27.01.2016
in connection with Wazirganj P.S. Case No. 402/15 for offences
alleged under Sections 302/201/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant,
is that on 18.09.2015 at about 6.00 P.M. when informant was at
her house, accused Rama Rajbanshi and Awadhesh Singh came
there and took away her husband and information was received
through mobile that her husband was killed and dead body is lying
in Wazirganj Police Station.

It has been submitted by the learned counsel for
the petitioner that he is innocent, not named in the First

Information Report, has falsely been implicated in the aforesaid case and the informant in her restatement has not named the petitioner but after three months she has stated that this petitioner also accompanied her deceased husband, which has come in the supervision note of the police. He submits that the allegation upon the petitioner is concocted and only on the basis of suspicion he has been made accused.

However, learned APP for the State submits that although the petitioner has not been named in the First Information Report but his name surfaced in the supervision note, hence, opposes the prayer for bail.

Be that as it may, since the petitioner has not been named in the First Information Report and, as an afterthought, he has been implicated by the informant, let 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 learned Judicial Magistrate 1st Class, Gaya, in connection with Wazirganj P.S. Case No. 402/15.

(Nilu Agrawal, J.)

Rajesh/-

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