

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21329 of 2016

Arising Out of PS.Case No. -121 Year- 2015 Thana -GAURICHAK District- PATNA

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1. Sudhir Choudhary Son of Siya Sharan Choudhary Resident of
Village/MOhalla- Jaibar , PS Gauri Chak, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ritesh Kumar

For the Opposite Party/s : Mr. Khurshid Anwar (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 15-07-2016 Heard the learned counsel for the petitioner, the

learned A.P.P for the State as also the learned counsel for the

Informant.

The petitioner seeks bail in a case for the offence

punishable under section 302 of the I.P.C

Allegedly, Naresh Choudhary, the husband of the

informant, went with the petitioner but he did not return and later

on his dead body was recovered and there Gamchha and Umbrella

of the petitioner were found and further the electric wire of 440

volt was found touched with the dead body.

Submission is of false implication and that the

informant is not an eye witness of the occurrence, no witness has

come forward to say that the petitioner assaulted the deceased and



killed him, as a matter of fact Naresh Choudhary died by the electric current and the informant and her family members cremated the dead body and after hatching conspiracy lodged this false case due to the land dispute, during investigation it has come that the deceased died due to the electric shock and thereafter his dead body was cremated by the informant and her family members without informing the police, the petitioner is suffering in custody only on suspicion, the recovered Gamchha is not of the petitioner and without any fault he is in custody since 17.12.2015.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the petitioner is named in the First Information Report and further the witnesses have supported the prosecution version regarding the hand of the petitioner.

In the facts and circumstances as stated above, considering that the dead body was cremated by the informant and others without informing the police and thereafter the case was lodged, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to 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 A.C.J.M. Patna City in Gouri

Chak P.S. Case No. 121 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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