

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52312 of 2015

Arising Out of PS.Case No. -164 Year- 2011 Thana -BIKRAM District- PATNA

=====

Mallu Chaudhary son of late Dhanmun Chaudhary, resident of Baliyari,
Police Station- Bikram, District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate

For the Opposite Party/s : Smt.Pushpa Sinha, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

3 30-01-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Bikram
P.S.Case No.164 of 2011 registered under Section 302 read with
34 of the Indian Penal Code (for short IPC).

It is contended that the petitioner is not named in the FIR
and his name transpired in course of investigation whereas the FIR
named accused Vijay Chaudhary has already been granted bail by
a co-ordinate Bench of this Court vide order dated 25.09.2014
passed in Cr. Misc. No.35511 of 2014. It has been further
contended that on completion of investigation charge-sheet has
been submitted under Section 306 against the petitioner and not
under Section 302 of the IPC and he is languishing in custody

since 03.04.2012. It is also contended that till date no witness has been examined on behalf of the prosecution during trial.

Learned counsel for the State has opposed the application for grant of bail.

Regard being had to the facts and circumstances of the case, the above named 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 learned Additional Sessions Judge-Vth. Patna in connection with Sessions Trial No.498 of 2014/Trial No.674 of 2015 arising out of Bikram P.S. Case No.164 of 2011.

(Ashwani Kumar Singh, J)

Md.S./-

U		T	
---	--	---	--