

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5794 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -SAKARPUR District- DARBHANGA

Prabhakar Chaudhary Son of Late Hallo Chaudhary Resident of Lagma,
P.S. Sakatpur, Distt. - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

4 11-04-2016 Supplementary affidavit has been filed on behalf of the

petitioner disclosing the criminal antecedent of the petitioner and

further disclosing that in some of the cases he has already been

acquitted, let it be kept on record.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. representing the
State.

The petitioner seeks bail in connection with Sakatpur
P.S. Case No. 01 of 2016 registered for the offences punishable
under Sections 302 and 120(B)/34 of the Indian Penal Code.

Allegedly, co-accused Sunil Jha, Kishore Kumar
Chaudhary, Raghbendra Chaudhary, Dhruv Kumar Chaudhary,
Sidharth Kumar Chaudhary were engaged in hot talk with Madan

Mohan Chaudhary, the brother-in-law of the informant and those five persons have got protection of the petitioner. For appointment of teacher, from earlier, dispute was going on and the case is pending in the Court and thereafter the dead body of Madan Mohan Chaudhary was found and his head was found crushed.

Submission is of false implication and that the petitioner has been implicated due to political rivalry as one of the conspirator as alleged the petitioner was not present when hot talk was going on, only on suspicion the petitioner has been implicated resulting the petitioner is suffering in custody since 02.01.2016, during investigation no legal and tangible material has come against the petitioner and, as such, he deserves sympathetic consideration. Co-accused Kishore Kumar Chaudhary was also apprehended and he confessed the guilt vide para 111 of the case diary but in his statement, the petitioner was not shown present at the time of occurrence.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the petitioner has got criminal antecedent and earlier he has caused threats to the wife of the deceased.

In the facts and circumstances stated above, considering that against the petitioner there is no direct evidence

and, as such, the petitioner is directed to be released on bail on execution of 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., Darbhanga in connection with Sakatpur P.S. Case No. 01 of 2016 subject to the conditions that one of the bailors must be 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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