

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31522 of 2016

Arising Out of PS.Case No. -336 Year- 2015 Thana -PATORI District- SAMASTIPUR

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Rohit Chaudhary, S/o Gongu Chaudhary, Resident of village Pahar Chak,
Ward No. 27, P.S. Muffasi Begusarai, District- Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party : Mr. Mr. Matloob Rab, (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 15-09-2016

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

The petitioner seeks bail in connection with S.Tr. No. 109
of 2016 arising out of Patori P.S Case No. 336 of 2015 registered for
the offences punishable under Sections 302, 201, 411, 379/of the
Indian Penal Code.

Allegedly, Mukesh Kumar, the son of the informant went
with the petitioner on motorcycle and thereafter the dead body of
Mukesh Kumar was found and it appears that he was strangled to
death and his dead body was thrown in chowr. Motorcycle of the
deceased was also produced from one Mantu Das and during
investigation, it reveals that the petitioner and co-accused Birendra
Kumar @ Binda Rai have killed the deceased.

Submission is of false implication and that besides
suspicion and confessional statement there is nothing against the
petitioner, the doctor has not found any sign of alcohol and, as such

confessional statement appears concocted, deceased was not of good character, the police has got recorded confessional statement forcibly. The petitioner has got no criminal antecedent and, as such, he deserves sympathetic consideration, to which the learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that the petitioner is in custody since 21.08.2015, chargesheet has already been submitted, there is no chance of tampering with the prosecution evidence, there is no direct allegation against the petitioner 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 like amount each to the satisfaction of the learned Additional District and Sessions Judge – III, Samastipur, in connection with S.Tr. No. 109 of 2016 arising out of Patori P.S. Case No. 336 of 2015, 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.)

Rajiv/-

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