

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36513 of 2016

Arising Out of PS.Case No. -95 Year- 2006 Thana -GAYGHAT District- MUZAFFARPUR

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Ganesh Choudhary, S/o Late Ramchandra Choudhary, Resident of village -
Bhabouli, P.S. Gaighat, District – Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari
For the Opposite Party/s : Mr. Anuj Kumar Srivastava, A.P.P.
For the Informant : Ms. Bela Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Gaighat P.S. Case No. 95 of 2006, registered under Sections 302/34 of
the Indian Penal Code.

The allegation is that Shankar Sah, son of the informant
and petitioner were doing the business of purchase and sale of
foodgrains. On 04.06.2006 petitioner and Debkant Choudhary came at
the house of informant and talked to his son Shankar Sah and Shankar
Sah proceeded with them. When informant made query, they replied
that they are going in connection with the business. But Shankar Sah
did not return. Then informant tried to talk on his mobile No.
9934489663, but his son did not receive the call. However, Debkant
Choudhary pick up the phone and informed that his son has become ill



at the house of the petitioner. Thereafter, informant along with Kameshwar Singh and Ranjeet Singh went to the house of petitioner Ganesh Choudhary and saw that his son Shankar Sah was crippling and petitioner and Debkant Choudhary were present there. On query, Shankar Sah informed that he was administered poison by the petitioner and Debkant Choudhary and both have also taken all papers regarding the business. While the informant asked to petitioner and Deo Kant Choudhary to rush his son to the hospital, but they did not heed on it. In the meantime, his son died and information was given to the Police, who came and prepared inquest report and dead body was sent for Post-mortem.

Learned counsel for the petitioner submits that, in fact, son of the informant, Shankar Sah fall ill at the door of the petitioner and information was also given to the informant, but as soon as he reached at the house of petitioner, his son was died. Thereafter, on the basis of the written report of informant U.D. Case was instituted on 04.06.2006 in which the informant did not disclose about dying declaration as detailed in the compliant petition, which is the basis of F.I.R. Later on, after receiving the Post-mortem report, the informant lodged the Complaint Case No. 1027 of 2006 in the Court of Chief Judicial Magistrate, Muzaffarpur on 08.06.2006, which is the basis of the F.I.R.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his

arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Muzaffarpur in connection with Gaighat P.S. Case No. 95 of 2006, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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