

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5996 of 2016

Arising Out of PS.Case No. -126 Year- 2012 Thana -SIKANDARA District- JAMUI

Sanichar Choudhary @ Sanichar Chaudhary, Son of Kapil Chaudhary @
Rijo Choudhary resident of Village- Lachuaarh, P.S.- Sikandra, District-
Jamui (Bihar).

... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Rakesh Kumar Sinha, Advocate.

For the Opposite Party : Mr. Mukesh Kr. Singh (App)

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

3 07-04-2016 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in connection with Sikandra P.S.
Case No. 126 of 2012, registered for the offences punishable under
Sections 302 and 328 of the Indian Penal Code.

Allegedly Rajesh Choudhary the husband of the informant
had gone with the petitioner in the morning to take drink and when the
husband of the informant returned at the house he fell down resulting he
was being brought before the doctor but in the way near Nawabganj the
husband of the informant died. It is suspected that the petitioner after
administering something in the drink caused death of the husband of the
informant.

Submission is of false implication and that besides suspicion
there is nothing against him. During investigation it has come that both

used to take drink but no one has seen administering poison in the drink of the deceased and without any legal and tangible material the petitioner is suffering in custody since 04.12.2015.

The learned APP opposes the prayer for bail by submitting that in the F.S.L. report Alluminium Phosphide was deducted which is highly poisonous.

In the facts and circumstances stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner above named 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 Additional Chief Judicial Magistrate II, Jamui in connection with Sikandra P.S. Case No. 126 of 2012, 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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