

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17567 of 2016

Arising Out of PS.Case No. -78 Year- 2015 Thana -SIGORI District- PATNA

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Binod Choudhary @ Tarwa, son of Madheshwar Choudhary, resident of
village Beldarichak, P.S. Sigori, District Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vijay Kumar Singh, Advocate

For the Opposite Party : Mr. P.K.Chaurasiya(App)

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

3 24-06-2016

Heard learned counsel for the petitioner and

learned A.P.P. representing the State.

The petitioner seeks bail in connection with
Sigori PS case no. 78/2015 registered for the offences
punishable under Sections 302, 201/34 of the Indian Penal
Code.

Allegedly, Shambhu Bind the husband of the
informant was in the house of the petitioner where he was
eating also with other co-accused. Thereafter, his dead
body whose head was cut of was recovered and lateron
skull of the head was also recovered.



Submission is of false implication and that the informant is not the eye witness, no one has seen the actual killing of the deceased, the house of the petitioner was searched but no incriminating article was recovered which is apparent from para 42 of the case diary, similarly situated co-accused Madheshwar Choudhary and Guddu Choudhary (father and brother of the petitioner) have already been granted bail vide Cr. Misc. no. 10836/2016, charge-sheet has already been submitted and there is no chance of tampering with prosecution evidence.

Learned A.P.P. opposes the prayer and submits that during investigation it has come that the deceased was having illicit relationship with the sister of the petitioner and thereafter he was also having illicit relationship with the wife of the petitioner resulting the petitioner and others killed him in brutal manner.

In the facts and circumstances stated above considering that co-accused Madheshwar Choudhary and Guddu Choudhary have already been enlarged on bail and

there is no chance of tampering with prosecution evidence, 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 Sri Shyam Kumar, J.M. Danapur arising out of Sigori PS case no. 78/2015 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.)

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