

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54416 of 2016

Arising Out of PS.Case No. -73 Year- 2003 Thana -KURTHA District- JEHANABAD

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1. Vishwa Mohan Chaudhary Son of Jatan Chaudhary.
2. Mahesh Chaudhary son of Vishwa Mohan Chaudhary
Both are resident of Village Dhodhara, P.S. Kurtha, District- Arwal.
.... Petitioners

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Paras Nath

For the Opposite Party/s : Mr. Sri Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 21-12-2016 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners seek bail in connection with Kurtha P.S.
Case No. 73 of 2003 registered for the offence punishable under
Sections 302/34 of the Indian Penal Code.

Allegedly, the dead body of Umesh Chaudhary, the son of
the informant, was found and it was suspected that earlier there
was dispute between the petitioner no. 1 and other FIR named
accused persons and so they have killed him. The petitioner no. 2
is not named in the FIR and during investigation it has transpired
that he has also got involvement in the murder of the deceased.

Submission is of false implication and that besides
suspicion there is nothing against the petitioners, no legal and
tangible material has come during investigation, only it has



transpired that the petitioner no. 1 was having some illicit relationship with his daughter-in-law and the deceased was protesting against his illicit relationship. This suspicion appears not true and the Police without any substance has submitted chargesheet and now there is no chance of tampering with prosecution evidence. The petitioners have surrendered on 27.05.2016 and since then they are in custody, they have got no knowledge about this case and they have gone outside to earn their livelihood. As soon as they came to know about the case they have surrendered voluntarily and as such they deserve sympathetic consideration to which the learned APP opposes by submitting that this is a case of the year 2003 and the petitioners remained absconding since long.

In the facts and circumstances stated above, considering the period of absconding, at present, this Court is not inclined to enlarge the petitioners on bail, accordingly, their such prayer stands rejected.

However, the petitioners may renew their prayer of bail after framing of charge.

(Jitendra Mohan Sharma, J)

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