

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13678 of 2016

Arising Out of PS.Case No. -18 Year- 2013 Thana -SIKRAUL District- BUXAR

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Baban Choudhary Son of Munshi Choudhary, R/o Village- Narahandih,
P.s.- Sikraul, District- Buxar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr. Uma Shankar Pd.Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 31-08-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
29.03.2013 in connection with Sessions Trial No. 388 2013 arising
out of Sikraul P.S. Case No. 18 of 2013 registered for the offence
punishable under Sections 302 and 201/34 of the Indian Penal
Code.

The prosecution case is, as lodged by the informant, is
that his son Jyoti Kumar, aged 3 years, went out to play and did
not return. After a hectic search and enquiry, one Tuna Choudhary
was caught, who had earlier given threatening and disclosed that
he had killed the son of the informant and the dead body is lying
in bamboo-clump. Thereafter, the dead body was recovered. It is



alleged that the petitioner, who is father of Tuna Choudhary, along with other family members is involved in killing of the son of the informant.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case just because he is father of Tuna Choudhary and that he does not bear any criminal antecedent. He submits that the petitioner is languishing in custody for four and half years, trial is going on and petitioner undertakes to cooperate in the trial.

However, learned counsel appearing on behalf of the informant opposes the prayer for bail stating therein that the bail application of the petitioner has twice been rejected by a coordinate Bench of this Court in Cr. Misc. No. 38201 of 2013 on 30.09.2013 and Cr. Misc. No. 14234 of 2014 on 02.04.2014 and considering the heinous nature of offence, petitioner does not deserve the privilege of bail. Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-VII, Buxar in connection



with Sessions Trial No. 388 2013 arising out of Sikraul P.S. Case No. 18 of 2013, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that the petitioner will not induce or tamper with the prosecution witnesses.

(Nilu Agrawal, J.)

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