

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2428 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -SAHKUND District- BHAGALPUR

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1. Guddu Choudhary son of Baiju Choudhary Resident of Karori Bazar,
Police Station - Habibpur, District - Bhagalpur.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Najmul Hodda

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 10-10-2017 The appellant seeks regular bail in connection with

Sahkund P.S. Case No. 02 of 2017, registered for offences

punishable under Sections 302, 201/34 of the Indian Penal Code,

and Section 3(ii)(v) of SC/ST (POA) Act.

Prosecution case is that son of the informant had love
affair with the wife of one Vijay Sharma, for that they had fled
away and after some time both returned to home and, thereafter,
accused persons came to the house of informant and abused her
and assaulted her and threatened to kill her son, thereafter, due to
fear she sent her son to his Nanihal and 5.01.2017, she received
information that son was lying dead in pachrukhi and suspected
that accused persons have killed her son.

It has been submitted on behalf of the appellant that out



and out false and fabricated case has been lodged by the informant against this appellant and he is no way related to any of the family members and he is outsider. It has also been submitted that at best allegation can be made that he was informing the accused persons about the movement of the deceased. Further he has been in judicial custody for last five and half months.

Learned Special P.P. opposed the prayer for bail and submitted that along with others, there is allegation against this appellant also of taking away the deceased and of assault to him due to which he died.

Having heard both sides, in view of the above facts and also the fact that appellant is no way connected with the family members of the girl, as such, this appeal is allowed and impugned order is set aside. Let the appellant above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 02nd Additional District & Sessions Judge-cum-Special Judge, SC/ST, Bhagalpur, in connection with Shahkund P.S. Case No. 02 of 2017, subject to the following conditions:-

- (i) One of the bailors of the appellant shall be a local person having sufficient immovable



property within the jurisdiction of the concerned Court.

- (ii) The appellant will not induce any witness or tamper with the evidence.
- (iii) The appellant shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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