

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34381 of 2017

Arising Out of PS.Case No. -110 Year- 2016 Thana -SANDESH District- BHOJPUR

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Kishore Chaudhary @ Kishore son of Bhola Chaudhary, resident of
Village- Saraiya, P.S.- Sandesh, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mr. Sri Dashrath Mehta

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 01-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
04.02.2017 in connection with Sandesh P.S. Case No.110 of 2016
for offences punishable under Sections 302, 120B, 34 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that at 8.30PM a telephone came from the mobile his brother
Harendra Kumar Choudhary deceased on his mother's mobile and
Rs. 500000/- ransom was demanded thereafter the next day body
of the brother of the informant was found near the bank of Sone
river. It is alleged that the marriage of his brother was fixed with



one Anita Kumari but they were always giving threatening as such the accused persons named in the F.I.R. must have killed his brother.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and has been falsely implicated in the aforesaid case. In fact, there is no eye witness to the alleged occurrence and his name surfaced on the confessional statement of co-accused Satendra Choudhary who alleged that the petitioner was accomplice. It has further been submitted that just because he was on friendly relation with one Satendra Choudhary, he has been falsely implicated. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that brother of the informant has been killed by the petitioner and the co-accused as there is circumstantial evidence against him.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara, District-Bhojpur in connection with Sandesh P.S. Case No. 110 of 2016, 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 during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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