

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 2713 of 2017

Arising Out of PS.Case No. -29 Year- 2012 Thana -NAWADA District- NAWADA

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1. Devendra Choudhary son of Pradeep Choudhary r/o vill - Chhatrolli, P.S.
- Maniyari, Distt. - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mr. Sri Aditya Narayan Singh 1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 20-03-2017 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 343, 323, 302, 201/34 of the
Indian Penal Code.

Petitioner is a police officer. Allegation is that the
police arrested Manoj Yadav, the son of the informant and took
him to the police station. Thereafter, dead body of Manoj was
found in the field side.

The post mortem report reveals that there was no
external injury on the person of Manoj, rather there was some
poisonous substance in the viscera report as informed by the
parties. Since the victim died in police custody there is suspicion
against the petitioner and others that they have committed the



murder.

Submission of the petitioner is that only suspicion is there and the cause of death is quite different which cannot be levelled against the petitioner unless the petitioner would have any special motive to commit murder. This is not a case of death due to assault by the police. The petitioner is in custody since 09.11.2016. Co-accused Jyoti Kumar Basu has already been allowed bail vide order dated 22.10.2014 passed in Cr. Misc. No. 23137 of 2014.

Considering the aforesaid facts, let the 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, Nawada/successor Court in connection with Nawada (Town) Police Station Case No. 29 of 2012.

(Birendra Kumar, J)

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