

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23454 of 2017

Arising Out of PS.Case No. -1 Year- 2016 Thana -SAKATPUR District- DARBHANGA

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Kishore Kumar Choudhary, son of Late Ganesh Choudhary, resident of
Village- Lagma, P.S.- Sakatpur, District- Darbhanga.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prakash Chandra Jha, Advocate.

For the Opposite Party : Mr. Matloob Rab, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-07-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 08.02.2016
in connection with Sakatpur P.S. Case No. 01 of 2016 (Tr. No.
1198/2016, G.R. No. 46 of 2016) for the offences instituted under
Sections 302 and 120(B)/34 of the I.P.C.

The prosecution story, in brief, is that the on 01.01.2016
at 8.00 P.M., there was exchange of hot words between the F.I.R.
named accused persons including the petitioner with Madan
Mohan Chaudhary, brother-in-law of the informant, with regard to
previous dispute. On next day at 6.00 A.M., a dead body was lying
near the shop of petitioner and deceased's head was brutally
damaged. Then the informant alongwith other villagers went there



and the informant identified the dead body as his brother-in-law. The informant suspected that the F.I.R. named accused persons including the petitioner has murdered his brother-in-law.

Earlier the bail application of the petitioner was rejected vide Cr. Misc. No. 32468 of 2016 on 16.09.2016. This is a second attempt for grant of bail on behalf of the petitioner.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 08.02.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. The petitioner has remained in custody for more than one year. There is no eye witness to the alleged occurrence. It is a case of last seen. The other co-accused persons have been granted bail by another co-ordinate Bench of this Court vide Cr. Misc. Nos. 5794 of 2016, 19629 of 2016 and 14198 of 2016 and one of the co-accused, namely, Dhruv Kumar Chaudhary has also been granted anticipatory bail by another co-ordinary Bench of this Court vide 26870 of 2016.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail



bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Judge-III-cum-Additional Chief Judicial Magistrate-V, Darbhanga, in connection with Sakatpur P.S. Case No. 01/2016 (Tr. No. 1198/2016, G.R. No. 46/2016).

(Sudhir Singh, J)

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