

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53831 of 2016

Arising Out of PS.Case No. -312 Year- 2014 Thana -BIHPUR District- BHAGALPUR

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1. Sanjeev Kumar Choudhary @ Khikhar Choudhary S/o Parmanand Choudhary Resident of Village-Marwa, P.S. Bihpur, District-Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 30-01-2017 The petitioner being mother in law is apprehending her arrest in connection with Bihpur (Jhandapur) P.S. Case No. 312 of 2014, registered for offences punishable under Sections 302/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that the petitioner has not been named in the F.I.R. rather the F.I.R. was lodged against unknown persons as nobody had seen the occurrence and the allegation that the deceased has gone to the Dobh Bahiyar, from where his dead body was recovered and the post-mortem report shows that there is one fire-arm injury on the person of the deceased, however there is no eye-witness to the said occurrence. It has further been submitted that during the course of investigation, it has come that the deceased was having criminal



antecedent. Later on petitioner's name transpired in this case on the statement of mother and brother of the deceased, who suspected that the petitioner's involvement in this case might be possible and save and except the said suspicion, nothing has come against this petitioner so as to connect him in the present case and investigation against the petitioner in this case is pending for more than one and half years.

Learned counsel for the State also could not controvert the said fact that save and except the suspicion, there is nothing against the petitioner.

Having heard both sides, in view of the fact that the investigation is still going on and upto now nothing has come on record so as to show petitioner's involvement in the present case, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of ACJM, Navgachia, Bhagalpur in connection with Bihpur (Jhandapur) P.S. Case No. 312 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

This is further subject to the following conditions that:



- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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