

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1015 of 2017

Arising Out of PS.Case No. -120 Year- 2016 Thana -NANHPUR District- SITAMARHI

=====

1. Lal Babu Choudhary @ Lal Choudhary Son of Bindeshwar Choudhary
Resident of Village- Gaura, P.S. Nanpur, District- Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Rajendra Narayan
For the Respondent/s : Smt Usha Kumari No-1
For the Informant : Mr. Santosh Kumar

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 28-06-2017 The appellant seeks regular bail in connection with Nanpur P.S. Case No. 120 of 2016, registered for offences punishable under Section 302, 120(B) of the Indian Penal Code and Section 3(x)(vi) of SC/ST (POA) Act.

Allegation against the appellant is of killing the deceased by giving him electric shock.

It has been submitted on behalf of the appellant that save and except suspicion, there is nothing against the appellant so as to connect him with the present case and though it is alleged that the deceased was driver of the appellant and there was dispute between them with regard to payment of wages, however, appellant has no vehicle and he runs only a shop. Appellant has been in judicial custody since 21.10.2016.



Heard learned A.P.P. as well as learned counsel for the informant. They have opposed the prayer for bail on the ground that the deceased was called by the appellant on mobile and, thereafter, the dead body of the deceased was found and one mobile and *gamcha* of the appellant has been recovered from vehicle of the appellant and evidence has also come in the case diary that there was scuffle between the appellant and deceased with regard to payment of wages.

On the other hand, learned counsel for the appellant has submitted that there is no seizure in the case diary to show that any mobile or *gamcha* has been recovered from the vehicle of the appellant. However, this submission of learned counsel for the appellant has not been controverted by learned counsel for the informant.

Having heard both sides, considering the facts and circumstances of the case, let the appellant above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Sitamarhi, in connection with Nanpur P.S. Case No. 120 of 2016, 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.

(Vinod Kumar Sinha, J)

sunil/-

U		T	
---	--	---	--

