

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5633 of 2018

Arising Out of PS.Case No. -186 Year- 2016 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

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Raj Kumar Chaudhary @ Hanuman Chaudhary @ Hanuan Chaudhary Son
of late Sarju Chaudhary, Resident of Village-Bemta Nawadih, P.S.-Magadh
Medical Dist.-Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bibhuti Narayan

For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 21-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

This is the second round of litigation. Earlier the prayer
for bail of the petitioner was rejected vide order dated 31.07.2017
passed in Cr. Misc. No. 28292 of 2017.

Petitioner is languishing in judicial custody since
27.03.2017 in connection with Magadh Medical P.S. Case No. 186
of 2016 for offences punishable under Sections 302, 201/34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that the petitioner came to his house and took away his brother.
Thereafter his brother did not return and after search his dead body



was found near the river.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated only on the basis of statement of the wife of the deceased before the police on the basis of last seen. He submits that there is no eye witness to the alleged occurrence, charges have been framed and the petitioner undertakes to cooperate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail.

A report was called for from the court of the learned Additional District and Sessions Judge 8th, Gaya who has sent a report stating therein that the trial has not yet begun and summons have been issued to seven witnesses and the case is fixed for evidence.

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 Additional District and Sessions Judge 8th, Gaya in connection with Sessions Trial No. 70 of 2017 arising out of Magadh Medical P.S. Case No. 186 of 2016, subject to the conditions that:



- (1)

One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2)

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)

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