

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29730 of 2018

Arising Out of PS.Case No. -90 Year- 2016 Thana -ATRI District- GAYA

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Ramdahin Chaudhary, Son of Sri Karu Chaudhary, Resident of Village-
Sirh, P.S.- Atri, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Sri Chaubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 02-07-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Atri P.S. Case No.90 of 2016 registered for the offences
punishable under Sections 323, 384, 379, 307, 376/511, 302 and
304(A)/34 of the Indian Penal Code.

The case has been registered on the basis of complaint
petition which was sent to S.H.O. for registration under Section
156(3) of Cr.P.C. As per complaint petition, this petitioner and 10
others named in the complaint petition induced her husband on
29.03.2011 and committed his murder under conspiracy. The
villagers who assembled near the place of occurrence found the
neck of her husband tied with a rope and sign of assault on his



person. On intervention of villagers and their advice, the complainant did not lodge the case and the dead body was cremated. She has further alleged that on 21.06.2011 (after three months after the death of her husband) all the accused persons armed with deadly weapons entered into her house and took away clothes and cash amount Rs.20,000/-.

The learned counsel for the petitioner submits that the husband of the complainant was a labourer and in course of professional job her husband fell down from a palm tree. The dead body was accordingly cremated by the complainant. She has lodged the case with false and frivolous allegation after three months of accidental death on ill-advice of some of the persons. There is no eye witness to the alleged occurrence or any motive or material to show his complicity in the crime. The petitioner is in custody since 14.03.2018 having clean antecedent and so he deserves bail.

The learned A.P.P. for the State opposed the submission.

Considering the facts and circumstances of the case, the prayer of bail is allowed. The petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each



to the satisfaction of the learned A.C.J.M. V, Gaya in connection with Atri P.S. Case No.90 of 2016, subject to the following conditions:-

- (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) If the petitioner is found involved in future in similar type of allegation, the prosecution will have liberty to move for cancellation of bail.
- (iv) The petitioner 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.

(Sanjay Kumar, J)

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