

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43741 of 2018

Arising Out of PS. Case No.-366 Year-2015 Thana- BIHTA District- Patna

Subhash Chaudhary Son of late Sitaram Chaudhary Resident of Village-
Katesar, P.S. Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Dipak

For the Opposite Party/s : Mr. Smt. Pronati Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 25-09-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in connection with **Sessions**
Trial No. 776 of 2015 arising out of Bihta P.S. Case No. 366
of 2015 registered for the offence punishable under Sections
302, 201/34 of the Indian Penal Code.

Informant is the brother of the deceased who has
alleged that on 17.05.2015, he went to sleep after taking meal
and his deceased brother Kundan Kumar also went to sleep with
his cousin brother Pradeep Kumar and in the morning of
18.05.2015 at about 6:00 am he heard that the dead body of his
brother is hanging from Shisham tree. Pradeep Kumar with
whom he was sleeping stated that in the night Laddu Kumar, his
father Subhash Choudhary (petitioner) and Amir Chand



Choudhary took away his brother and killed him due to previous enmity. Petitioner is in custody since 20.05.2015 and his application for regular bail was twice rejected by this Court as contained in Annexure-1 series and lastly on 19.04.2017 in Criminal Miscellaneous No. 14893 of 2017 with a direction to conclude the trial within six months. Report has been sent by the trial court in which it has been stated that the charges were framed in this case on 27.04.2016 and two witnesses have been examined on behalf of prosecution but no official witness has been examined as yet for which necessary steps is being taken by the trial court for their production. Petitioner has got no criminal antecedent and is in custody since 20.05.2015.

Considering the aforesaid facts and circumstances of the case as well as period of custody, let the petitioner named above be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Additional Sessions Judge-1st, Danapur** in connection with **Sessions Trial No. 776 of 2015 arising out of Bihta P.S. Case No. 366 of 2015**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and



shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel their bail bond.

(3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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