

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2247 of 2019

Arising Out of PS. Case No.-65 Year-2018 Thana- SIWAIPATTI District- Muzaffarpur

Vijay Kumar Chaudhary, aged about 46 years, Male, son of Late Sarabdey Chaudhary Resident of Village - Surajan Pakari, PS - Siwaipatti, Distt- Muzaffarpur ... Petitioner

Versus

The State of Bihar ... Opposite Party/s

Appearance :

For the Petitioner : Mr. Hari Kishore Thakur, Adv.
For the State : Mr. Yogendra Kumar Singh (App149)
For the informant : Mr. Sanjay Kumar @ S.K., Adv.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-01-2019 Heard the learned counsel for the petitioner, learned counsel for the informant and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 09.08.2018 in connection with Siwaipatti P.S. Case No. 65 of 2018 for the offences alleged under Sections 302, 120B and 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that her husband went towards Banghara Bazar and on telephone he assured to come home, but, did not return. Next day a dead body was found in the field and it is alleged that due to previous enmity the petitioner, along with other co-accused, had killed the informant's husband.

It has been submitted by the learned counsel for the petitioner that he is innocent and except Siwaipatti P.S. Case



No. 112 of 2017 and Complaint Case No. 269 of 2017, lodged by the informant's side, has no other criminal antecedent. It is, further, submitted that both parties were on inimical terms. There is no eye witness to the alleged occurrence and only on the basis of suspicion the petitioner has been made accused. He submits that the charge sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses. He, further, submits that two of the co-accused, on similar allegations, have been granted pre-arrest bail by a coordinate Bench of this Court in Cr. Misc. No. 67894 of 2018, dated 14.12.2018.

Learned counsel for the informant, however, vehemently opposes the prayer for bail stating therein that the petitioner, along with his family members, were on inimical terms and has earlier threatened the informant's husband to withdraw Siwaipatti P.S. Case No. 112 of 2017, which was filed by the informant's side.

The learned Additional Public Prosecutor for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record as well as other co-accused, on similar allegations, have been granted pre-arrest bail, let the petitioner,



above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Siwaipatti P.S. Case No. 65 of 2018 to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur, subject to the following conditions :

(i) 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.

(ii) 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)

Shamshad/-

U			
---	--	--	--

