

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12569 of 2019

Arising Out of PS. Case No.-231 Year-2018 Thana- MADHUBAN District- East Champaran

SUBODH CHAUDHARY, aged about 32 years, Male, Son of Raj Kumar Chaudhary, R/o village- Gadhwa Madhuban, P.S- Madhuban , Dist- East Champaran ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Abhishek Kumar, Adv.

For the Opposite Party : Mr. Anil Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-03-2019 Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 31.10.2018 in connection with Madhuban P.S. Case No. 231 of 2018 for the offences alleged under Sections 304B and 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that his daughter, Sangita Devi, was married to one Manish Choudhary in July, 2017, and was always tortured by the petitioner and other in-laws, including the husband, for demand of rupees two lakhs and a buffalo. On 29.10.2018, the brother-in-law of the deceased, Munna Choudhary, assaulted her with sword, as a result she died. It is, further, alleged that all the family members, including the petitioner, have killed the daughter of the informant.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case because he is brother-in-law of the deceased. He submits that there is no allegation of assault by the petitioner on the deceased and even the post mortem report opines that death was due to haemorrhage by sharp edged weapon injury, which is alleged to have caused by another brother-in-law of the deceased, Munna Choudhary. He, further, submits that general and omni bus allegations have been levelled against all the other co-accused and the husband of the deceased is languishing in judicial custody since 31.10.2018. He, further, submits that charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the nature of allegation, 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 Madhuban P.S. Case No. 231 of 2018 to the satisfaction of the learned Additional Chief Judicial Magistrate,



IV, East Champaran at Motihari, 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)

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