

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11994 of 2019

Arising Out of PS. Case No.-166 Year-2018 Thana- TELHARA District- Nalanda

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1. Nanhak Chaudhary, Son of Resident of Village -Mandacch, P.S.-Telhara, District-Nalanda.
 2. Uday Chaudhary, Son of Nanhak Chaudhary, Resident of Village-Mandacch, P.S.-Telhara, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyamal Prakash
For the Opposite Party/s : Mr.Dr. Indiwari Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-02-2019 Heard learned Counsel for the petitioner and the State.

The petitioners, being the father and brother of the husband of the victim are apprehending arrest in a case registered for the offences punishable under Sections 147, 302, 201, 504 and 506 of the Indian Penal Code.

The prosecution case as per the written report of Binod Choudhary submitted to SHO, Telhara Police Station is to the effect that the informant's sister Sanju Devi was married with Ajay Choudhary in the year 2005, subsequently they were blessed with two children, a daughter and a son. Few days before lodging of the present case, it was informed by the victim



to the informant that her husband is having illicit relationship with one Rekha Devi and on protest being made, she was being tortured and assaulted by her husband. It is further alleged that on 15.10.2018, the informant received the information that on 11.10.2018, all the FIR named accused persons including the petitioners have killed the sister of the informant. When the informant reached to the in-law's house of the victim, he was abused and assaulted and life threat was given to him. It is further alleged that dead body of the victim has been disposed of without any information to the informant.

It is submitted by learned counsel for the petitioners that there is omnibus and general accusation against the petitioners in the FIR and there is also no eye-witness to the occurrence. However, impugned order of the learned Sessions Judge suggests that the victim's husband has illicit relationship with one Rekha Devi, but it further appears that the impugned order does not suggest any direct evidence against the petitioners. It further appears that dead body of the victim has been recovered kept in three bags in pieces. It is further submitted that the co-accused, Lalita Devi has been granted anticipatory bail by this Court, vide order dated 05.02.2019, passed in Cr. Misc. No. 2276 of 2019.



It is submitted by learned APP for the State that the petitioners are named in the FIR.

Considering the fact that thrust of accusation is against the husband of the victim and during investigation, no statement of any eye witness of the said occurrence has been recorded, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Hilsa, Nalanda in connection with Telhara P.S. Case No. 166 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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