

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21224 of 2019

Arising Out of PS. Case No.-147 Year-2018 Thana- BHAGWANPUR District- Begusarai

Kailash Choudhary @ Kailash Kumar Choudhary, Male, age about 35 years,
Son of Kulo Choudhary, Resident of Village - Teghra, P.S.- Teghra, District –
Begusarai Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 04-04-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302, 201, 120B, 34 of the Indian Penal Code.

Informant who is widow of the deceased Kailash Sah has stated in the written complaint that her deceased husband had returned from Bangalore and was engaged in selling the ice-cream and ice-cream company was owned by petitioner. It has further been alleged that on 21.07.2018 at 10 p.m., she was informed that her husband has been murdered by strangulation and she learnt that petitioner on account of theft of ice-cream by the deceased has committed murder of her husband.

It has been submitted on behalf of the petitioner that he is innocent and has been made accused in this case only on



the basis of suspicion and misinformation. There are no eyewitness. No source of information has been disclosed. Allegations are concocted and manufactured. There is no reason or motive for him to kill the deceased. Charge-sheet has been submitted. Petitioner has got no criminal antecedent and is in custody since 23.07.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Trial No.723 of 2018, Bhagwanpur P.S. Case No. 147 of 2018 with following conditions:-

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

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner 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 petitioner.

(S. Kumar, J)

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