

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23495 of 2019

Arising Out of PS. Case No.-91 Year-2017 Thana- SHERGHATI District- Gaya

Mandal Chaudhary, aged about 25 years, Gender-Male, Son of Chandradev Chaudhry, Resident of Village - Usewa, P.S.- Cherki, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 26-06-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case is that written report submitted by the Informant (Jogindra Chaudhary) wherein he has alleged that on 14.02.2017, he received an information on his Mobile Phone that his brother namely, Upendra Chaudhary who had gone to his Sasural to attend the marriage ceremony of his brother-in law, has died. After that the Informant alongwith his family members went to the Sasural of his deceased brother where he found that the dead body of his brother (Upendra Chaudhary) was lying on the roof having dark circle mark on



his neck. The Informant further alleged that all the accused persons including petitioner might have killed his brother by strangulating him because his deceased brother and his wife (Gita Devi) always used to quarrel to each other and a scuffle also took place between them in his Sasural during the marriage ceremony of his brother-in-law and then the instant FIR was lodged.

The petitioner is Sarhu of the deceased. There is no specific allegation against the petitioner. The entire prosecution case is based on mere conjecture and surmises because nothing is available on the records of the case against the petitioner to show his involvement in the alleged occurrence. There is no criminal history against the petitioner.

The petitioner is in custody since 19.02.2019.

In this case similarly situated three co-accused namely Geeta Devi (Wife), Firangi Chaudhary (Father-in-Law) and Mutari Devi @ Mutayi Devi have already been granted Regular Bail by this Hon'ble Court vide Cr. Misc. 32844 of 2017 on 07.08.2017, vide Cr. Misc. No. 61126 of 2017 on 19.01.2018 and vide Cr. Misc. No. 50838 of 2018 on 18.09.2018.

In the facts and circumstances of the case, 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 to the satisfaction of the learned A.C.J.M., Sherghati (Gaya) in connection with Sherghati (Dobhi) P. S. Case No. 91 of 2017, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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