

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.25925 of 2019

Arising Out of PS. Case No.-2 Year-2019 Thana- MIRGANJ District- Purnia

SHAMBHU CHOUDHARY, aged about 43 years, Male, Son of Late
Parmeshwar Choudhary Resident of Village - Gachhkatta, P.S.- Mirganj,
District- Purnea ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Sada Nand Roy, Adv.

For the Opposite Party : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 02-05-2019

Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
07.01.2019 in connection with Mirganj P.S. Case No. 2 of 2019 for
the offence alleged under Section 304/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that
her grand-daughter, Anjali Devi, was married to one Manjit
Choudhary son of the petitioner in the year 2018. On 04.01.2019
the petitioner gave a telephonic call to the informant that her grand-
daughter has taken ill. In the morning when the informant went to
her grand-daughter's matrimonial house she found her dead. It is
alleged that the petitioner along with family members have
administered poison and killed her grand-daughter.

It has been submitted by the learned counsel for the
petitioner that he is innocent, he is father-in-law of the deceased
and general and omnibus allegation has been levelled. He submits
that the deceased was sick which was duly informed by him to the
informant and the informant has also participated in the last rites,
charge sheet has already been submitted and as an after-



thought, the present case has been lodged against the petitioner.

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

Considering the nature of allegations, being general and omni bus and that charge sheet has already been submitted, 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 Mirganj P.S. Case No. 2 of 2019 to the satisfaction of the learned Chief Judicial Magistrate, Purnea, or the successor Court, 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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