

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28498 of 2019

Arising Out of PS. Case No.-158 Year-2017 Thana- ISLAMPUR District- Nalanda

1. MUKESH KUMAR @ MUKESH CHAUDHARY Son of Indradev Chaudhary @ Indradev Chaudhary Resident of Village - Dharampur, P.S.- Chandi, Dist.- Nalanda.
2. Indradev Chaudhary @ Indradev Chaudhary Son of Late Sumangal Chaudhary Resident of Village - Dharampur, P.S.- Chandi, Dist.- Nalanda.
3. Sunil Chaudhary Son of Late Ganauri Chaudhary Resident of Village - Fazilapur, P.S.- Islampur, Dist.- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 05-07-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for bail in connection with Islampur P.S. Case No. 158 of 2017 registered for the offence under Sections 302, 328, 120(B), 34 of the Indian Penal Code.

As per the allegation in the FIR the five accused persons including the three petitioners herein, took away the brother of the informant at 7.00 a.m. on the fateful day made him to drink intoxicant and they brought him to his home at 12 noon. Soon thereafter, it is stated that brother of the informant died.

It is submitted by learned counsel for the petitioners that from perusal of the report of the Forensic Science



Laboratory, it would transpire that poison and other alkaloids could not be detected in the exhibit, marked as A9, which is a plastic jar, containing dark fluid said to be blood. It is further submitted that case of the three petitioners stands on a similar footing to that of the other co-accused, namely, Dharmendra Chaudhary, who has been enlarged on bail vide order dated 22.06.2019 passed in Cr. Misc. No. 23481 of 2019.

The application for bail is opposed by the learned APP for the State submitting that all the three petitioners are named in the FIR.

Having heard the learned counsel for the parties and taking note of the facts and circumstances especially the fact that co-accused Dharmendra Chaudhary has been enlarged on bail vide order dated 26.06.2019 passed in Cr. Misc. No. 23481 of 2019, this Court is inclined to grant bail to the petitioners. The above named petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount to the satisfaction of the learned ACJM, Hilsa, Nalanda in connection with Islampur P.S. Case No. 158 of 2017.

(Partha Sarthy, J)

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