

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45844 of 2019

Arising Out of PS. Case No.-49 Year-2019 Thana- ASARGANJ District- Munger

SUBHASH CHOUDHARY, S/o Ramrup Choudhary, r/o village- Madhuban,
P.S.- Belhar, District- Banka

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Neelam Kumari, Advocate
For the informant	:	Mr. Chandan Kumar Verma, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 16-11-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Asarganj P.S. Case No. 49 of 2019, disclosing the offences under Sections 302, 201 and 34 of the Indian Penal Code.

The petitioner is the husband of the deceased. They were married nearly eight years before the date of lodging of the First Information Report, i.e. 25.04.2019. The informant is the father of the deceased.

It is alleged that the deceased was living with the informant, there being matrimonial dispute with the husband of the deceased, for which, cases were pending. On 19.04.2019, the deceased is said to have left the informant's place without leaving any information behind. Her dead-body was



subsequently, recovered on 25.04.2019. Suspicion raised by the informant that the petitioner and his family members might have committed the offence, is the only basis for implication of the petitioner in the criminal case.

Learned Additional Public Prosecutor has not been able to point out any incriminating material collected in course of investigation, to justify the implication of this petitioner, on the basis of case diary.

Learned counsel appearing on behalf of the informant has opposed the prayer for anticipatory bail and has contended that there is reasonable apprehension of the petitioner's involvement in commission of the offence, in the background of several cases pending between the deceased and the petitioner because of matrimonial dispute between them and also because of an order was passed asking the petitioner to pay maintenance to the deceased.

Be that as it may, since suspicion is the only basis for implication of this petitioner in the criminal case, as is evident not only from the First Information Report, but also from the case diary, in my view, a case for grant of anticipatory bail is made out. This application is, accordingly, allowed.

Let the petitioner, above-named, in the event of his



arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand), with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Munger, in connection with Asarganj P.S. Case No. 49 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail Bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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