

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73584 of 2018

Arising Out of PS. Case No.-184 Year-2018 Thana- BAHERA District- Darbhanga

Chuna Choudhary @ Sanjit Kumar Choudhary @ Sanjit Choudhary Son of
Late Trivani Choudhary, Resident of Village- Sajhuwar, Police Station-
Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha

For the Opposite Party/s : Mr. Sri Nagendra Prasad

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 12-03-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 18.08.2018 in connection with Bahera P.S. Case No. 184/2018 registered for the offense punishable under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioner after drawing the attention of this Court to the F.I.R. submits that admittedly the informant Khagendra Choudhary is not the eye-witness to the occurrence and, therefore, his statement cannot be taken in its entirety. It is further submitted that though he claims to be the grandson of the deceased lady, later on, it has come that he is also not the grandson which is evident from paragraph No. 177 of the case diary. It is thus submitted that so far as the petitioner Chuna Choudhary is concerned, even from the recitals of the F.I.R. it is evident that it was Jhunna Choudhary who had attacked the old lady



with a *Tengari* and not this petitioner who is alleged to have attacked her with fists and slaps. Learned counsel for the petitioner submits that in view of such facts and circumstances, the petitioner may be extended the privilege of bail.

Diary in the present case called for which has since been received.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that though the informant does not appear to be the eye-witness yet there are other persons who are alleged to have witnessed the occurrence. It appears that the petitioner had not attacked with *Tengari* but with fists and slaps. Furthermore, it appears that the petitioner has himself surrendered before the Court below.

Considering the entire facts and circumstances and as informed at the Bar that the charges has already been framed in this case, let the petitioner Chuna Choudhary 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, Benipur, Darbhanga, in connection with Bahera P.S. Case No. 184 of 2018, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, 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.

(Anjana Mishra, J)

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