

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9049 of 2020

Arising Out of PS. Case No.-292 Year-2019 Thana- GHOSI District- Jehanabad

Phulendra Chaudhary, S/o Karu Chaudhary, Resident of Village- Mira Bigha,
P.S.- Ghosi, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nitya Nand Neeraj, Advocate.

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 09-07-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through Video Conferencing.

The petitioner is accused in connection with Ghosi
P.S. Case No. 292 of 2019, registered under Section 302 of the
Indian Penal Code, pending in the court of Additional Chief
Judicial Magistrate-I, Jehanabad.

The accusation is that in the late evening of
11.08.2019, Phulendra Chaudhary (petitioner), husband of the
informant, Mikki Devi along with his son, Rahul Kumar, was
sleeping at the roof of the house. Thereafter, in the midnight, she
heard the sound of “Dham-Dham” then she went at the roof and
saw that her husband was pressing the neck of her son, Rahul
Kumar and thereafter, caused assault through Fatta. At that time,
her husband (petitioner) threw her son, Rahul Kumar from the



roof, due to which, her son died. Informant further alleged that her husband committed the murder of his first wife by putting fire and thereafter, she performed the second marriage with Phulendra Choudhary (petitioner), who always used to quarrel with her in drunken state.

Learned counsel for the petitioner Submits that the petitioner, who is the husband of the informant, has falsely been implicated in this case mere on suspicion and except the informant, none had seen the present occurrence. Further submission is that it would appear from the postmortem report of the deceased, as detailed in paragraph 34 of the case diary, the cause of death is shown as suffocation and bleeding by wound on face and congestion of trachea causing cardio respiratory failure. Further submission is that petitioner has no criminal antecedent and is in custody since 11.08.2019.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant bail to the petitioner. Accordingly, his prayer for grant of bail stands rejected.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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