

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21505 of 2020

Arising Out of PS. Case No.-270 Year-2019 Thana- EKMA District- Saran

Kanhaiya Chaudhary, Son of Anwati Chaudhary, Resident of Village - Parsagarh (Parsa Gad), Chaudhary Tola, P.S.- Ekma, Distt.- Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 07-07-2020 Heard learned counsel for the petitioner and learned counsel for the State via video conferencing.

The petitioner seeks bail in connection with Ekma P.S. Case No.270 of 2019 registered under Sections 302 and 201 read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that the petitioner is the cousin brother-in-law of the informant. There is no specific allegation made against him rather the allegation of committing murder of informant's daughter is a general and omnibus against four persons. It is further contended that after completion of investigation of the case, the charge-sheet has been submitted against the co-accused Lakhan Chaudhary and his trial has also commenced after



commitment in which the informant has been examined as PW-3 and has been declared hostile. The other prosecution witnesses Birendra Chaudhary and Nathuni Chaudhary examined in Sessions Trial No.56 of 2020 have also been declared hostile. Referring to the deposition of the informant, it is submitted that he has categorically stated that he had got lodged the present case due to his mental imbalance caused on account of death of his daughter whereas the deceased died due to illness.

On the other hand, learned counsel for the State has opposed the prayer for grant of bail to the petitioner. He submitted that the deposition given in trial of the co-accused would be of no consequence as far as the case of the petitioner is concerned. He, however, admitted that the allegation is omnibus and general and the petitioner is the cousin brother-in-law.

Having regard to the nature of allegation, other attending facts and circumstances of the case and the fact that the petitioner is in custody since 23rd of February, 2020 and investigation has been completed, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-



1st, Saran at Chapra in connection with Ekma P.S. Case No.270
of 2019.

(Ashwani Kumar Singh, J.)

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