

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 14746 of 2021

Arising Out of PS. Case No.-128 Year-2020 Thana- MAKHDUMPUR District- Jehanabad

RAJESH KUMAR CHOUDHARY @ RAJESH KUMAR Son of Nageshwar
Choudhary Resident of Village - Harin Tand, P.S. Makhdumpur, District -
Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Vikram Deo Singh,
Mr Ranjay Kumar Singh, Advocates
For the Opposite Party/s : Ms Meena Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 05-10-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Jehanabad Police Station
(for brevity, *PS*) Case No 128 of 2020 instituted for the offence
punishable under Sections 302/34 of Indian Penal Code (for
brevity, *IPC*) and later on added with Section 306 of IPC.

Learned counsel for the petitioner submits that the
First Information Report (for brevity, *FIR*) was lodged by the
petitioner himself alleging that his agnates have killed his wife
by tying *dupatta* on her neck and dragging her. The FIR has
been lodged after an altercation between the parties on a dispute



regarding some common passage and in the process of asserting their claims on the said passage. It is further submitted that in the investigation, the petitioner (informant) has been made one of the accused. The victim's son, who was sleeping with the victim, has been examined and he has stated that the mother has committed suicide where after the petitioner and his father had taken her for treatment. One of the neighbours, namely, Md Mushtaque has also been examined. He too has supported the facts as he has stated about the petitioner taking the victim for treatment after she had hanged herself with the motive of committing suicide. The attempt to commit suicide is based on the earlier altercation and admonitions by all the family members in respect of the same. The petitioner has become a victim of the circumstances. He is having clean antecedent and is in custody since 04.12.2020.

Learned APP has opposed the prayer for bail. However, she is not in a position to refute the submissions regarding the statements made by the victim's son and neighbour Md Mushtaque as the same are found in the case diary with which she has assisted the Court.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant



of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Jehanabad in connection with Jehanabad PS Case No 128 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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