

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.24804 of 2021**

Arising Out of PS. Case No.-404 Year-2020 Thana- SAMASTIPUR MUFFASIL District-  
Samastipur

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MAHESH CHOUDHARY @ MAHESH MAHTO @ MAHESH  
CHOUDHARI Son of Late Chandeshwar Choudhary Resident of Village-  
Bikrampur, P.S.- Samastipur (Muffasil), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Vinay Kumar Mishra

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH  
ORAL ORDER**

3      02-09-2021                      This matter is taken up for consideration through  
Video Conferencing.

Heard learned counsel for the petitioner and learned  
A.P.P for the State.

The petitioner seeks bail in Samastipur (Muffasil) P.S.  
Case No. 404 of 2020, registered for the offence punishable  
under Sections 302/34 of the Indian Penal Code.

As per the prosecution case, on 17.09.2020 at 3.30 pm  
informant got information that her husband is lying on earth  
near the pond of Bande Chowk. Informant reached there and  
saw her husband senseless and he was taken to hospital, but on  
the way he died. Informant came to know that her husband was  
seen with Mahesh Choudhary (petitioner) and she suspected that



due to previous enmity this petitioner committed murder of her husband by administering poison.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case merely on suspicion. There is no direct or indirect evidence against this petitioner which shows his complicity in the aforesaid crime. Petitioner is in custody since 16.12.2020 having no criminal antecedent. Investigation is complete

Learned APP however, vehemently opposed the prayer for bail and submitted that petitioner was seen with the deceased on the date of occurrence and thereafter deceased was found in unconscious condition in the room of petitioner.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

**(Prabhat Kumar Singh, J)**

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