

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26224 of 2021

Arising Out of PS. Case No.-1040 Year-2020 Thana- NAWADA District- Nawada

1. MANOJ CHOUDHARY S/o Late Chandra Choudhary Resident of Village- Kadirganj, P.S.- Nawada (Kadirganj), District- Nawada.
2. Kiran Devi W/o Manoj Choudhary Resident of Village- Kadirganj, P.S.- Nawada (Kadirganj), District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-12-2021 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 302, 201 and 34 of the Indian Penal Code.

As per the prosecution case, on hearing about discovery of a dead body, it is stated by the informant that on reaching the place of occurrence she found that the same was that of her husband. She further states that the accused persons including the three named accused persons including the two petitioners herein were involved in sale of liquor and the same was opposed to by her husband. As such she is fully convinced that the accused have a hand in the killing of her husband.



It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case only on the basis of an unfounded suspicion. There is no eye-witness to the occurrence. The alleged confession being relied on against the petitioners have been made before the police. It is incorrect to state that any recovery of dead body took place as a result of the confession. The petitioners are in custody since 14.11.2020 and charge sheet has been submitted in the case.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant has taken the Court in detail through different paragraphs of the case diary to submit that the petitioner no. 1 after committing the murder reached the police station, confessed his crime and it was as a result of his confession before police that the dead body was recovered at the place narrated by him. He is the assailant.

Having heard learned counsel for the parties and taking into consideration the facts of the case including there being no eye-witness to the occurrence and the two petitioners being in custody for more than 1 year, the Court directs the above two petitioners to be enlarged on bail in connection with Nawada Nagar P.S. Case no. 1040 of 2020 on each of them



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with
two sureties of the like amount each to the satisfaction of the
learned Chief Judicial Magistrate, Nawada.

(Partha Sarthy, J)

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