

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1899 of 2021

Arising Out of PS. Case No.-125 Year-2020 Thana- AMDABAD District- Katihar

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Ashok Choudhary Son of Khalifa Choudhary Resident of Village - Gopalpur,
P.S.- Amdabad, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mrs.Veena Rani Prasad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in S.Tr. No. 190 of 2020,
arising out of Amdabad P.S. Case No. 125 of 2020, registered
for the offence under Section 302 of the Indian Penal Code.

As per the prosecution case, on 20.06.2020 at 9:00
PM, while the informant was in his new house, he came to know
that a quarrel was going on between his two sons i.e. elder son
(petitioner) and middle son (deceased) and thereafter, he
reached there and saw his middle son in injured condition,
whereas, his elder son (petitioner) had fled away. It is further
alleged that through the villagers, the informant came to know
that this petitioner had given *Hasua* blow to the deceased, as a
result of which, during course of treatment, he died.



It is submitted on behalf of petitioner that from bare perusal of FIR, it is apparent that informant is not the eye-witness to the occurrence and he came to know about the occurrence only by the villagers. Petitioner is none else, but full brother of the deceased and save & except hearsay information, there is nothing against him. Petitioner is in custody since 22.06.2020, having no criminal antecedent. Chargesheet has already been submitted.

Considering the nature of accusation and period of custody coupled with the fact that petitioner has got clean antecedent, the bail application of petitioner is allowed. Let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, Katihar in connection with S.Tr.No. 190 of 2020, arising out of Amdabad P.S. Case No. 125 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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