

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2693 of 2021

Arising Out of PS. Case No.-75 Year-2020 Thana- RAJAON District- Banka

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Suman Kumar Choudhary, Son Of Avinash Choudhary, Resident Of Village-
Upama, P.S-Rajoun, District-Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Y.V. Giri, Sr. Advocate
	Mr.Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s :	Ms. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 03-08-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard Mr.Y.V. Giri, learned Senior Counsel
appearing for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Rajoun
P.S. Case No.75 of 2020 registered for the offence punishable
under Sections 302, 201/34 of the Indian Penal Code.

The police have lodged the F.I.R. based on recovery
of a headless body. The arms and legs were also found mutilated.

Mr. Y.V. Giri, learned Senior Counsel submits that it



is apparent from the materials during investigation that there was some murmuring in the village regarding the petitioner's wife being missing from some time. He submits that the petitioner's wife was having some intimate relation with one Ranjeet and had eloped with him and therefore the headless body, which has been recovered from the field, is not of his wife. There is no source of identification of the body. It is further submitted that other than confessional statement of his father implicating the instant petitioner, there is no material to connect him with the alleged occurrence. Recovery of alleged '*Garasa*' used in the killing is also not in accordance with law and does not sustain the case against the petitioner. The petitioner has been in custody now since 12.06.2020 i.e., more than a year.

Learned APP for the State has opposed the prayer for bail. It is submitted that in paragraphs 22 and 23 of the case diary, material has come regarding illicit relation of the petitioner's wife and father of the petitioner in his confessional statement has implicated the petitioner. The submission is that the villagers have cast suspicion that the recovered dead body was that of the petitioner's wife.

Considering the rival submissions, this Court is



inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka, in connection with Rajoun P.S. Case No.75 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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