

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14759 of 2022

Arising Out of PS. Case No.-771 Year-2021 Thana- BANKA District- Banka

Govind Chaudhary Son Of Arvind Chaudhary Resident Of Village Kakna, Ps
Banka, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. A.G, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 06-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Banka
P.S. Case No.771 of 2021 registered for the offence punishable
under Section 302/34 of the Indian Penal Code.

Allegedly, the informant's son aged about 13 years
went missing from his house and thereafter dead body of the
victim was found in a well and informant raised suspicion on
the petitioner and co-accused persons being involved in the
alleged murder of his son.

The main submissions advanced by the learned



counsel Mr. Subhash Kumar Jha for the petitioner are that admittedly there was inimical term between the petitioner and informant at the time of institution of the instant case, due to which the petitioner has been falsely roped in this case and there is no eye witness of the alleged murder and the findings opined in the postmortem report of the deceased do not show that the victim has been killed and also it does not corroborate the allegations of the FIR as his death has been opined due to drowning.

Learned APP Mr. A.G appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the case diary. Admittedly, there was no good relation between the petitioner and the informant and there is no eye witness of the alleged occurrence and the informant and all the witnesses examined during the course of investigation have merely raised suspicion against this petitioner and in the postmortem report of the deceased the cause of death has been mentioned as head injury due to drowning and the victim's body was recovered from a well but there is no material or evidence to show that any person saw this petitioner pushing the victim into the alleged well. Considering these facts, in the opinion of this Court, a



lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection with Banka P.S. Case No.771 of 2021, on the following conditions:-

(1) Petitioner shall co-operate 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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