

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11405 of 2022

Arising Out of PS. Case No.-220 Year-2021 Thana- GURUA District- Gaya

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Sharwan Kumar Son of Ramjanam Chaudhary Resident of Village - Gurua,
Police Station - Gurua, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 22264 of 2022

Arising Out of PS. Case No.-220 Year-2021 Thana- GURUA District- Gaya

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Sunil Kumar Chaudhary Son of Rambarat Chaudhary Resident of Village -
Gurua (Pasi Tola), P.S.- Gurua, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 11405 of 2022)

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

(In CRIMINAL MISCELLANEOUS No. 22264 of 2022)

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

For the Opposite Party/s : Md.Asam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 06-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Gaura
P.S. Case No. 220 of 2021 registered for the offence under



Sections 376D, 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 23.09.2021.

The allegation against the petitioner is to commit rape upon daughter of the informant and also to commit murder by administering poison, along with other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that after investigation, charge-sheet has been submitted in this case, under Section 306 of the Indian Penal Code. Learned counsel pointed out Para-46 of the case diary, where it appears that, due to frustration, out of love affairs with this petitioner, the daughter of the informant took some intoxicant/poison on her own and it was the petitioner, who admitted her in the local hospital. It is submitted that information of the entire occurrence was given to the mother of the deceased. It is further submitted that no physical violence was noticed on the body of the victim, during post-mortem. It is also submitted that nothing surfaced during the course of investigation, which may suggest that act of petitioner is active or direct act leading the deceased to commit suicide. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been



submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as occurrence appears suicide, on its face, and also by taking note of post-mortem report, where petitioner is in custody since 23.09.2021 coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Gaura P.S. Case No. 220 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Sherghati, District-Gaya/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

In Cri. Misc. No. 22264 of 2022

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(Chandra Shekhar Jha, J)

R.S.Sen/-

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