

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36296 of 2021

Arising Out of PS. Case No.-253 Year-2019 Thana- BATHNAHA District- Sitamarhi

1. Ajay Kumar @ Ajay Choudhary Son Of Laxman Choudhary Resident Of Village - Hari Bela, P.S.- Bathnaha, Distt.- Sitamrhi.
2. Vijay Choudhary @ Vijay Kumar Son Of Laxman Choudhary Resident Of Village - Hari Bela, P.S.- Bathnaha, Distt.- Sitamrhi.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Ms. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-02-2022 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

The petitioners seek bail in connection with Bathnaha
P. S. Case No.253 of 2019, instituted for the offences under
Sections 302, 201 of the Indian Penal Code.

The learned counsel for the petitioners submits that
the petitioners are in custody since 12.02.2021, charge-sheet has
been submitted and are persons with clean antecedent.

The learned counsel for the petitioners submits that
the informant alleges that some of the informant aged about 16
years after talking to someone, left the house at mid-night and
did not return and his dead body was recovered the next day in



the field of Heman Mahto.

The learned counsel for the petitioners submits that the F.I.R. was against unknown. It is further submitted that in the F.I.R. not even a remote suspicion was alleged against these petitioners. It is further submitted that during the course of investigation, it transpired that the deceased was in love with Nitu Kumari and used to talk to her and accordingly, based on suspicion, it was alleged that father and brother of Nitu Kumari killed the victim.

The learned counsel submits that during the course of investigation, nothing has come which can even remotely connect the petitioners with the offence except for suspicion. It is further submitted that Paras-9, 10 and 11 of the case diary records the statement of Rahul, Kumar, Indu Devi and Ram Pravesh Prasad i.e. brother, mother and father of the deceased and their statement before the police is that they also suspect the hands of the petitioners in the occurrence. Further, Paras-31 and 43 of the case diary records the C.D.R. of the deceased and C.D.R. of Nitu Kumari respectively. The learned counsel submits that in sum and substance except for suspicion, there is nothing and there are no witnesses to the occurrence.

The learned A.P.P. for the State opposes the bail



application.

Considering the fact that the petitioners are in custody, charge-sheet has been submitted, are persons with clean antecedent and the allegation is based on suspicion, the petitioners, above-named, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi in connection with Bathnaha P. S. Case No.253 of 2019.

The application stands allowed.

(Satyavrat Verma, J)

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