

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27007 of 2022

Arising Out of PS. Case No.-185 Year-2021 Thana- RAHIKA District- Madhubani

SANTOSH CHAUDHARY, Son of Late Subodh Chaudhary Resident of
village - Kakraul, P.S.- Rahika, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar

For the Opposite Party/s : Mr.Nagendra Prasad

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 01-09-2022 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner, learned APP for the State as well as learned counsel for the informant.

The petitioner has preferred this application for grant of regular bail in a case registered u/s 302 and 328 of the Indian Penal Code.

As per the prosecution case, the petitioner is alleged to have committed murder of the mother-in-law of the informant by administering poison. The petitioner is the son of the deceased.

Learned counsel for the petitioner has submitted that the petitioner is innocent and he has falsely been implicated in this case. The petitioner is also accused in three other criminal cases out of



which two cases has already been lodged against the petitioner by the informant relating to dowry and cruelty, out of which one has been filed in Asansol, West Bengal and other case is not related to the case of heinous nature. The learned counsel for the petitioner has further submitted that no case related to the Excise Act has been filed against the petitioner. It has further been submitted that the impugned order suggests that during the course of investigation witnesses have categorically stated that the informant was not residing with the deceased, rather she was residing at Kolkata, West Bengal and the deceased had also gone to Kolkata to bring her back for reconciliation but the informant refused to return and due to this the deceased committed suicide. Further it has been submitted that the daughter of the informant was also not residing with the deceased. There is no eye witness in this case. Learned counsel for the petitioner has further submitted that the charge-sheet has already been submitted against the petitioner under section 306 of the I.P.C.. Learned counsel for the petitioner has further submitted that the deceased was getting pension from the Railway and the informant is the wife of the petitioner who has been in hostile terms with the petitioner. The petitioner is in custody since 04.12.2021.

Learned A.P.P. for the State as well as learned counsel for the informant have opposed the bail petition of the petitioner by



submitting that the petitioner is a drunkard who has committed the said offence and the deceased had also filed a case against the petitioner in the year of 2015.

Considering the aforesaid facts and circumstances of the case as well as the material available on the record, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below concerned in connection with Rahika P.S. Case No. 185 of 2021, with following conditions :-

1. One of the bailors shall be a close relative of the petitioner who shall give genealogy as to how he is related to the petitioner.

2. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled by the concerned Court.

The application stands allowed.

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(Chandra Prakash Singh, J)

