

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37929 of 2021**

Arising Out of PS. Case No.-292 Year-2019 Thana- SINGHESHWAR District- Madhepura

Rama Choudhary @ Ramanand Choudhary S/O- Khushilal Choudhary R/O
Village - Singheshwar Shantivan Gali, P.S. - Singheshwar, District –
Madhepura. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 14-02-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

Petitioner in the case is seeking regular bail in connection with Singheshwar P.S. Case No. 292 of 2019 registered for the offences punishable under Sections 302/120(B) of the Indian Penal Code. He has no criminal antecedent and is in judicial custody since 28.02.2021.

Learned counsel for the petitioner submits that the petitioner happens to be the elder brother of the husband of the deceased. As per the prosecution story on 26.12.2019 the informant who is *Mama* of the deceased was informed that his niece had died and her husband along with Binod Choudhary brought the deceased at Singheshwar Hospital, left her dead body and fled away. The



informant alleged that he has suspicion that her niece has been killed by the accused persons including this petitioner by assaulting and hanging her with rope.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case only because he happened to be the kith and kin of the husband of the deceased. The co-accused Binod Choudhary has been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.15779/2020 and thereafter the son of this petitioner who was also an accused namely Sanjay Choudhary has been granted bail by this Court in Cr.Misc.No.39789 of 2021.

Learned counsel further submits that the post-mortem report of the deceased shows that she died by hanging and doctors have opined the cause of death asphyxia due to strangulation. No other bodily injury has been found, moreover in course of investigation no independent witness has seen this petitioner indulging in any kind of assault against the deceased.

Mr. Akhileshwar Dayal, learned APP for the State submits that the case of this petitioner stands on similar footing with that of co-accused Sanjay Choudhary who has been granted bail by this court.

This Court had called for the case diary and has perused the same.

In the case diary, there is no specific material against this



petitioner at this stage save and expect that the petitioner was not maintaining the good relationship with his brother who happened to be the husband of the deceased.

Further, this court has noticed that the husband of the deceased is already in judicial custody and the petitioner has completed almost one year of custody, investigation against him is complete, therefore, this Court directs release of the petitioner on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhepura in connection with Singheshwar P.S. Case No.292/2019, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

