

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40443 of 2021

Arising Out of PS. Case No.-49 Year-2010 Thana- KHIJARSARAI District- Gaya

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KANHAIYA CHAUDHARY @ KANHAIYA LAL Son of Ram Ishwar
Choudhary Resident of Village - Milky, P.S.- Khizarsarai, District - Gaya.
... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Syed Asgher Najmi

For the Opposite Party/s : Mr. Manoj Kumar APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 18-05-2022 Heard both sides.

Petitioner seeks regular bail in connection with
Khizarsarai PS Case No. 49 / 2010 registered under Section
302 / 34 of the IPC.

The allegation is that the petitioner was married to the
sister of the informant about 15 years ago and out of wedlock
three children had born. After death of first wife i.e. sister of
the informant, petitioner performed second marriage with
another lady and the step mother and petitioner started
assaulting the deceased i.e. son of the petitioner from the first
wife and finally they administered poison to the informant's
nephew and fled away from their home.

Learned counsel for the petitioner submits that
petitioner is the father of the deceased and has falsely been
implicated along with step mother of the deceased due to the
fact that informant being the brother- in- law of the petitioner
was not happy that the petitioner had performed second
marriage with another lady. He further submits that the deceased



might have consumed poison and died. During the course of investigation none of the independent witnesses have said that petitioner administered poison to the deceased.

On the other hand, learned counsel for the State referring to the case diary submits that from the post mortem report it is evident that deceased was administered poison and deceased being of the age of about ten years may not commit suicide. He further submits that other witnesses during the course of investigation have supported the prosecution story.

Regard being had to the submissions made by the parties, taking into consideration the fact that deceased is minor aged about ten years, there is direct allegation of administering poison to him by the petitioner and his second wife and during the course of investigation no evidence has come that deceased has committed suicide, as such, I am not inclined to grant regular bail to the petitioner.

The prayer for grant of regular bail is rejected.

Let the trial be expedited.

(Anil Kumar Sinha, J)

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