

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.39789 of 2021**

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

Sanjay Choudhary @ Sanjay Kumar, S/o Rama Choudhary @ Ramanand 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.Pawan Kumar, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

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

2 02-02-2022 Heard learned counsel for the petitioner and Mr. Binod Kumar, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Singheshwar P.S. Case No. 292 of 2019 registered for the offences punishable under Section 302/120B of the Indian Penal Code . He is in custody since 13.02.2021 having no criminal antecedent as stated in paragraph ‘3’ of the application.

As per the prosecution story, on 26.12.2019, the informant was informed that his niece has 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 raised suspicion that her niece has been killed by the accused persons including the petitioner by



assaulting and hanging her with rope.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that petitioner is said to be the nephew of the husband of the deceased, the husband of the deceased is already in judicial custody and the co-accused Binod Choudhary has already been granted privilege of bail by a learned coordinate Bench of this court in Cr. Misc. No. 15779/2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is said to be the nephew of the husband of the deceased, the husband of the deceased is already in judicial custody, and it is not controverted by learned A.P.P. for the State that the case of the petitioner stands on similar footing with the co-accused Binod Choudhary who has been granted privilege of bail by a learned coordinate Bench of this court in Cr. Misc. No. 15779/2020, the petitioner is not having any criminal antecedent and has remained in custody in connection with this case since 13.02.2021, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only)



with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Singheshwar P.S. Case No. 292 of 2019, subject to the condition 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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

