

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40298 of 2021**

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

Lakshman Choudhary Son of Late Suleka Choudhary R/o Village- Hari Bela,
P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 12-01-2022 Heard learned counsel for the petitioner and Shri
Vinod Shankar Modi, learned A.P.P. for the State through virtual
Court proceedings.

The petitioner seeks regular bail in connection with
Bathnaha P.S. Case No. 253 of 2019 instituted for the offences
under Sections 302 and 201 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 12.02.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that
informant in the F.I.R. alleges that his son aged about sixteen
years was talking to someone on mobile and left the house at
midnight of 06.12.2019 without informing the informant and
when he did not return, the informant called him on his mobile



but it was switched off and in the morning the informant came to know that his son has been killed and dead body was lying in the field of Heman Mahato.

Learned counsel for the petitioner submits that from perusal of F.I.R. it would manifest that F.I.R. was instituted against unknown. It is further submitted that not even a suspicion in the F.I.R. was raised against this petitioner, as during the course of investigation based on the statement of the witness and C.D.R. it was disclosed that the son of the informant was in love with Nitu Kumari and as such it was suspected that the petitioner being father of Nitu Kumari might have killed the deceased. Learned counsel submits that if the informant even had any remotest of suspicion that on account of love affair between deceased and Nitu Kumari, the father of Nitu Kumari can kill his son, then definitely the said allegation, at least based on suspicion, would have found mention in the F.I.R.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 12.02.2021, charge-sheet has been submitted in the case, petitioner is a person with clean antecedent and in the F.I.R. not



even suspicion was raised against him, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) 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.

(Satyavrat Verma, J)

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