

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.41939 of 2021**

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

Santosh Choudhary @ Santosh 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. Vikram Deo Singh, Advocate
Mr. Pawan Kumar, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

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

2 14-02-2022

Link has been sent in this case to Dr. Ajeet Kumar, learned APP for the State after the matter was mentioned by Mr. Vikram Deo Singh, learned Counsel while hearing a case at serial no. 44 being similarly arising out of same police station case number, with the consent of learned APP for the State, the matter has been taken up for consideration.

Dr. Ajeet Kumar, learned APP for the State has joined the proceeding.

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. Dr. Ajeet Kumar, 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 30.05.2021.

Learned counsel for the petitioner submits that the



petitioner happens to be the nephew of the husband of the deceased and is living separately from the family members 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 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 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 Predecessor Bench of this Court in Cr.Misc.No.15779/2020 and thereafter co-accused 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.

Dr. Ajeet Kumar, learned APP for the State has though opposed the prayer for bail of the petitioner but does not dispute that the case of this petitioner stands on similar footing with that of co-accused Sanjay Choudhary and Binod Chaudhary who have been granted bail by this court.

Having regard to the aforesaid submissions and on finding



that there is no specific material against this petitioner and the co-accused similarly situated have been released on bail, 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)

SUSHMA2/-

U		T	
---	--	---	--

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'.

