

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43623 of 2021

Arising Out of PS. Case No.-12 Year-2021 Thana- PIRPAINTI District- Bhagalpur

1. NARAD CHOUDHARY Son of Shri Vilash Choudhary @ Ramvilash Nishad Resident of Village - Hujur Nagar, P.S. - Pirpainti, District - Bhagalpur.
2. BINAY CHOUDHARY Son of Shri Vilash Choudhary @ Ramvilash Nishad Resident of Village - Hujur Nagar, P.S. - Pirpainti, District - Bhagalpur.
3. RANJEET CHOUDHARY Son of Basudeo Choudhary Resident of Village - Hujur Nagar, P.S. - Pirpainti, District - Bhagalpur.
4. DOMI CHOUDHARY Son of Khubli Mandal and Son in law of Garho Choudhary Resident of Village - Hujur Nagar, P.S. - Pirpainti, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Purushottam Kumar Das, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 09-03-2022 Heard learned counsel appearing on behalf of the
petitioners and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioners, who are in custody since 16.01.2021, seek
regular bail in connection with Pirpainti P.S. Case No. 12 of
2021 registered for offences punishable under Section 302/34 of
the Indian Penal Code.

Prosecution case, in brief, is that the informant's
husband Dinesh Choudhary went to Munger along with the



petitioners for earning livelihood two months ago. After two months all the persons came their home after earning but her husband could not return. On 15.01.2021, the informant came to know that the dead body of her husband is lying in Musa Bahiyar. Informant went there and found her husband's dead body and blood was oozing out from the eyebrow.

Learned counsel appearing on behalf of the petitioners submits that on mere suspicion, the present petitioners have been implicated in this case by the informant whose husband's dead body was found lying in the nearby field in a decomposed state. Post-mortem was done which the doctor has opined that cause of death is tuberculosis and blockage in the heart which lead the victim to death. He further submits that no assault has been committed on the body of the victim which appears from the inquest report mentioned in paragraph no. 4 of the case diary which reveals that injury was on both the knees and on eyes. However, even the circumstantial evidences are not such that connect the petitioners in commission of the offence relating to alleged murder of the husband of the informant. Petitioners have no criminal antecedent and they are in custody since 16.01.2021. Petitioners be released on bail.

Learned A.P.P., for the State has opposed the prayer



for grant of bail to the petitioners. He submits that it appears from the inquest report that there are two injuries on both the knees and below the eyes which confirms the fact that the deceased was brutally murdered however, in absence of any eye-witness, the allegation of murder cannot be attributed to the present petitioners who are named in the F.I.R.

Considering the facts and circumstances of the case, the petitioners have been roped in the present case merely on suspicion, from perusal of the post-mortem report it appears that the victim was suffering from chronic heart disease and pulmonary infection which rules out the factum of murder against the petitioners, the petitioners, above named, are directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M, XI, Bhagalpur in connection with Pirpanti P.S. Case No. 12 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.



(iii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(iv) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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