

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44919 of 2021**

Arising Out of PS. Case No.-32 Year-2021 Thana- WARISNAGAR District- Samastipur

VIJAY CHOUDHARY @ VIJAY CHAUDHARY S/o Bathu Choudhary @
Batahu R/o village- Bhadoghat, P.S.- Warisnagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Bharat Lal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 22-02-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Warisnagar P.S. Case No. 32 of 2021 registered for the offence under Sections 302 and 34 of the Indian Penal Code.

The son of the informant is said to have been killed by the petitioner and others.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case merely on the basis of suspicion. In fact, the petitioner happens to be father -in-law of the deceased and no specific allegation of assault or any overt act is attributed to the petitioner. As a



matter of fact, the deceased is said to be a habitual drinker and in drunken condition, the deceased has committed suicide. The petitioner has not played any role in the alleged occurrence. The petitioner is rotting in judicial custody since 06.06.2021.

Learned A.P.P. for the State has fairly submitted that no cogent material has come against the petitioner during course of the investigation.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M.-Samastipur in connection with Warisnagar P.S. Case No. 32 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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