

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63067 of 2021

Arising Out of PS. Case No.-384 Year-2020 Thana- CHOUTARWA District- West
Champaran

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DEENA NATH CHAUDHARY Son of Late Jagdish Chaudhary Resident of
Ward No. 3 Pakdi, P.O. - Nawalpur, P.S. - Bathwariya, District - West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satish Chandra Mishra
For the Opposite Party/s : Mr.Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-03-2022 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks bail in a case registered for the
offences under Sections 328, 302 and 32 of the Indian Penal
Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 10.09.2021, he is a person with
clean antecedent, charge-sheet has been submitted and the
informant alleges that her husband was a shopkeeper of public
distribution system, further the petitioner along with other co-
accused came to her house and asked her husband to give his
shop to them, further on 04.09.2020 at about 3:00 P.M., the
accused persons came to her house and took her husband
outside, it is next alleged that on the same day, they brought her



husband in an unconscious stage and fled away from there, next day in the morning, informant took her husband to GMCH, Bettiah for treatment but doctor referred him to Gorakhpur for better treatment. It is next alleged that at Gorakhpur, her husband died during the course of treatment.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, from bare perusal of the allegation, as alleged in the FIR, the same appears to be absurd, it absolutely does not stand to reason that if the husband of the informant had any fear then he would not have accompanied the accused persons willingly, further in the FIR it is alleged that the accused persons including the petitioner brought the husband of the informant in an unconscious state and the next day, the informant took him for treatment, this in itself shows that the deceased was not in a condition as being portrayed by the informant or else the informant would have rushed her husband to the hospital on the same day when they was brought to the house, the FIR also does not disclose that whether the husband of the informant disclosed anything to the informant or not, it appears that the allegations are more in nature of suspicion that the accused persons killed the husband of the informant when the husband of the informant



was referred to Gorakhpur where he died during the course of treatment. The learned counsel thus submits that if the petitioner had done anything wrong then definitely they would not have brought the husband of the informant to his house. Fairly, he might disclose the occurrence to the informant.

The Learned A.P.P. vehemently opposes the bail application.

Considering the fact the petitioner is in custody since 10.09.2021, he is a person with clean antecedent, charge-sheet has been submitted and taking into consideration the submissions made by learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Choutarwsa (Bathwariya) P.S. Case No. 384 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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