

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70789 of 2021

Arising Out of PS. Case No.-133 Year-2020 Thana- AKBARPUR District- Nawada

Mithilesh Choudhary @ Mithlesh Choudhary Son of Sarjun Choudhary
Resident of Village- Mahima Bigaha, P.S.- Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 11-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Akbarpur P.S. Case No. 133 of 2020 registered
for the alleged offences under Sections 302, 201 and 34 of the
Indian Penal Code.

As per prosecution case, the informant alleged that his
daughter was killed by her husband and other in-laws and they
burnt her dead body. The petitioner is stated to be the nephew of
the husband of the deceased.

The learned counsel for the petitioner submits that
there is general and vague allegations against the petitioner and



eight other co-accused persons. From the FIR, it is apparent that the marriage was solemnized 10 years back and the deceased has two children and she was again pregnant. The FIR has been lodged after delay of 13 days and there is no explanation for the same. The daughter of the informant died while she was feeding the cattle and she was pushed by the animal and she died due to excessive bleeding. The informant also participated in her last rituals but in order to extort money, he lodged this false case. Other similarly placed co-accused persons have been granted bail vide order dated 24.12.2021 passed in Cr. Misc. No. 26154 of 2021 and vide order dated 05.01.2022 passed in Cr. Misc. No. 41096 of 2021, respectively. The petitioner is in custody since 04.09.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the absence of material to connect the petitioner with the offence alleged and also considering the period of custody and the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Akbarpur P.S. Case No.



133 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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