

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71710 of 2021

Arising Out of PS. Case No.-190 Year-2021 Thana- PATNA CITY CHOWK District- Patna

SANDIP CHOUDHARY Son of Ganesh Choudhary Resident of Village -
Kaimasikoh, Near Ganpati Palace, P.S.- Chowk, District – Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudra Deo

For the Opposite Party/s : Mr.Harendra Pd.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 14-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Chowk
P.S. Case No. 190/2021 registered for the offences punishable
under Sections 302/34 of the Indian Penal Code.

As per prosecution case, on 04.07.2021, the
informant's son went out of his house in evening and since then
he did not return his house. During searched his dead body was
found in the campus of Jalan school. It is alleged that he was
being murdered by crushing bricks and stones.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case due to dirty village politics. The petitioner has been made accused in this case only on suspicion that prior to present occurrence, threatening was given by the petitioner but there is no complain with regard to alleged threatening. No incriminating article has been recovered from the possession of the petitioner. The petitioner is languishing in custody since 08.07.2021 and bears no criminal antecedent. Learned counsel for the petitioner further submits that there is no eye witness of the occurrence stated that petitioner was in company with the deceased on the date of occurrence or before the date of occurrence. During CCTV footage, nothing is found which indicates the complicity of the present petitioner with the alleged occurrence. Except suspicion there is nothing on record to demonstrate the complicity of the present petitioner. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of



petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Patna City, Patna in connection with Chowk P.S. Case No. 190/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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