

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71521 of 2021

Arising Out of PS. Case No.-130 Year-2021 Thana- SAKRI District- Madhubani

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Dilip Kumar Choudhary @ Dilip Choudhary S/O Late Mohan Choudhary,
R/O Village- Muriya, P.S.- Muriya, Bhalpatti (o.p.), District- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Rajeev, Advocate
For the Informant	:	Mr. Ravi Prakash, Advocate
		Mr. Gagandeo Yadav, Advocate
For the Opposite Party/s :		Mr. Rajendra Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Sakri P.S. Case No. 130 of 2021 lodged under Sections 302/34
of the Indian Penal Code.

As per the prosecution, the wife of the deceased has
filed this case alleging that her husband was working as a sales
man in the shop of petitioner and his payment for four months
was due. Upon demand, the petitioner has assaulted closing the
shop's shutter. Subsequently, when people gathered then the
informant's husband was found unconscious. Thereafter they

have immediately visited to hospital where doctors have declared him dead and thereafter this case has been lodged against 3 named accused persons including the petitioner.

Learned counsel for the petitioner submits that the present F.I.R. is out and out false and is not correct. He admits that husband of the informant was working in the shop of petitioner but allegation of assaulting is not correct. He further submits that accidentally due to electric current, the husband of the informant died and the said injury on his head is due to current when he fell down all of a sudden suffers from the said injury. Learned counsel for the petitioner further submits that antecedent of the petitioner is clean and he is in custody since 27.07.2021. He further submits that charge sheet has already been filed in this case as well as charge has also been framed.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that there is contradiction in the story of electric shock and the cause given in post mortem. In the post mortem it is indicated that the death has been caused due to injury on head by hard and blunt substance.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Sakri P.S. Case No. 130 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

The Trial Court is directed to expedite the trial

preferably within 9 months from today.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

ravishankar/-

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