

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43886 of 2022

Arising Out of PS. Case No.-108 Year-2020 Thana- MANSURCHAK District- Begusarai

DEEPAK CHOUDHARY @ DEEPAK KUMAR CHOUDHARY Son of
Rajkumar Choudhary @ Raj Kumar Choudhary Resident of village- Sherpur
(Dhepura), P.S- Vidyapati Nagar, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Sanjana, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 09-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection
with Mansurchak PS case no. 108 of 2020 instituted for the
offences punishable under Sections 302, 120(B)/34 of the Indian
Penal Code.

At the outset, the learned counsel for the
petitioner submits that paragraph no. 3 at page 3 has been
inadvertently inserted, hence, the same be directed to be
deleted. It is directed, accordingly.

It is further submitted that the paragraphs of the
present petition have been inadvertently not numbered serially,
hence, such inadvertence be excused and condoned.



In view of the aforesaid request of the learned counsel for the petitioner, I deem it fit and proper to condone the mistake committed in numbering the paragraphs.

The allegation is regarding the informant having received information on 25.11.2022 at about 3 pm in the afternoon that the condition of his son was serious, whereafter, the informant and other family members had gone to Navtol and had found that the son of the informant was lying dead. It is alleged that the in-laws of the son of the informant and the petitioner had all conspired and murdered his son on account of there being illicit relationship in between the daughter-in-law of the informant and the petitioner herein.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 26.04.2022. The learned counsel for the petitioner has further submitted that the petitioner is having a fair antecedent, inasmuch as he is an accused in only one case, wherein he has been alleged to have eloped with the daughter-in-law of the informant. It is also submitted that there is no material on record to suggest the complicity of the petitioner in the alleged occurrence, inasmuch there is no eye-witness to the alleged occurrence and merely on



suspicion, the petitioner has been roped in the present case.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those contained in the case diary, this Court finds that minuscule evidence is available on record so as to suggest the complicity of the petitioner in the alleged crime, apart from the fact that the petitioner has been roped in the present case merely on suspicion, as such, I deem it fit and appropriate to direct for release of the petitioner on bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st class, Begusarai in connection with Mansoorchak PS case no. 108 of 2020.

(Mohit Kumar Shah, J)

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