

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49755 of 2022

Arising Out of PS. Case No.-95 Year-2022 Thana- NAVINAGAR District- Aurangabad

Krishna Kumar Chaudhary, aged about 25 years, Gender- Male, Son Of Ramasish Chaudhary R/O Village- Dudhaila, P.S.- Risiup, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-01-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Sessions Trial No. 239/2022 (85/2022) arising out of Nabinagar P.S. Case NO. 95/2022 registered for the offence punishable under Section 302, 201, 34 of the Indian Penal Code (for brevity 'IPC').

The informant's son has left his home on the pretext of some transaction of purchase of motor-cycle. Next day his dead body has been recovered leading to lodging of the case.

It is submitted by the learned senior counsel that the petitioner's implication is by virtue of statement of co-accused Lalu Yadav, and his own confessional statement. Other than that, there is no cogent material in the investigation, neither there is any antecedent of the petitioner. He, however, is in custody since 26.03.2022.

Learned senior counsel has drawn attention of the Court towards the fact that the petitioner has renewed his prayer twice before the trial court, and on both occasions, the prayer for bail was rejected. Reference is made to the earlier order dated 12.05.2022 (as contained in Annexure-2 to the bail application) passed by the court of Additional Sessions Judge-XI, Aurangabad, showing detail reference to the material collected in the investigation. It is submitted that from the same, it is apparent that motive, if at all existed against



the co-accused, Lalu Yadav, who was found in the investigation to be having an illicit relationship with the wife of the deceased. Merely for his statement that petitioner and another person was associate in the crime, they have been made accused.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, nature of allegation, material in the investigation, petitioner's period of custody and his clean antecedent, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XII, Aurangabad, in connection with Sessions Trail No. 239/2022 (85/2022) arising out of Nabinagar P.S. Case No. 95/2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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