

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56287 of 2023

Arising Out of PS. Case No.-129 Year-2022 Thana- PATAHI District- East Champaran

SALONI CHAUDHARY wife of Sunni Kumar Chaudhary @ Dhiraj Village-
Bokane Kala Ps- Patahi Dist- East Champaran Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar, Advocate
For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

The petitioner is in judicial custody in connection
with Patahi P.S. Case No. 129 of 2022 for the offence
punishable under Sections 302 and 328/34 of the Indian Penal
Code lodged on 17.6.2022 by the informant, Lalan Prasad
Choudhary.

As per the prosecution story, the informant's son was
found unconscious. He was taken to hospital where he died.
Accordingly, the FIR.

It is the case of the petitioner that before they found
the son unconscious, she himself had called and stated that he is
lying in a particular village whereafter they took him to the
hospital and he died. It is the further submission that only on
suspicion they have dragged the accused persons, the fact



remains that the deceased was habitual to narcotics and may have died due to heavy consumption of it and with an eye to grab the property of the petitioner, the implication. The last submission is that she is in custody since 28.5.2023 (para-13 of the petition).

Learned counsel for the informant on the other hand submits that earlier too the accused persons had assaulted the informant's son and that is why strong suspicion that they poisoned him causing his death.

Having heard the parties, it is clear that the deceased himself made a phone call stating that he is in a particular village (Parsauni) and ill. The informant reached there and took him to hospital. It is not the case that the victim made any allegation against any individual much less the petitioner when he made the phone call.

Considering the aforesaid facts as also that she is a lady is in custody since 28.5.2023, this Court is inclined to extend her the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with



Patahi P.S. Case No. 129 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

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