

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55824 of 2023

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

Deobadh Chaudhary @ Deovarath Chaudhary @ Kanahi S/O Mahant Surya
Prakash Das R/O Village- Bokane Kala, Ps. Patahi, Distt. 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 28-08-2023 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioner is in judicial custody in connection with Patahi P.S. Case No. 129 of 2022 for the offences punishable under Sections 302 and 328/34 of the Indian Penal Code lodged on 17.06.2022 by the informant.

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

4. It is the case of the petitioner that before they



found the son unconscious, he 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 petitioners, the implication. The last submission is that he is in custody since 28.05.2023 (para-13 of the petition).

5. 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.

6. 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.

7. Considering the aforesaid facts as also that he is a young boy is in custody since 28.05.2023, this Court is inclined to extend him the privilege of bail with conditions.



8. Let the petitioner Deobadh Chaudhary @ Devarat Chaudhary @ Kanahi 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, 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 his 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his attendance;

(iv) 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;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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