

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55023 of 2022

Arising Out of PS. Case No.-85 Year-2022 Thana- NAUHATTA District- Saharsa

1. Sudhir Choudhary Son of Ghuran Choudhary Resident of Village Sanakha, Ward No. 13, Police Station Mahishi, District Saharsa
2. Devki Devi Wife of Sudhir Choudhary Resident of Village Sanakha, Ward No. 13, Police Station Mahishi, District Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Adv.

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 24-03-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail for the offences punishable under
Sections 302, 201 and 34 of the I.P.C.

According to prosecution case, it is alleged that some
unknown person killed the deceased and concealed his dead
body in a field of maize.

Learned counsel for the petitioners submits that the
petitioners have clean antecedents and they have falsely been
implicated in the present case on the basis of suspicion. He
further submits that the petitioners are not named in the F.I.R.
The name of the petitioners has been transpired during



investigation on the basis of some articles, which were recovered from the house of the petitioners. He further submits that there is no seizure list of the box and bangles which were recovered from the house of the petitioners. He further submits that there is no eyewitness of the alleged occurrence and due to some ulterior motive, the petitioners have falsely been implicated in the present case. He further submits that charge has already been framed on 13.09.2022 and the petitioners are in custody since 05.05.2022.

The learned Additional Public Prosecutor for the State on the other hand opposed the prayer of bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending, in connection with S.Tr. No.176/2022, arising out of Nawhatta (Darhar O.P.) P.S. Case No. 85/2022, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



2. *If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.*

3. *And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.*

(Rajesh Kumar Verma, J)

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