

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56314 of 2023

Arising Out of PS. Case No.-700 Year-2019 Thana- KANTI District- Muzaffarpur

Manjay Kuamr Choudhary @ Manjay Kumar Chaudhary Son of Late Mahendra Choudhary Resident of village - Klawari, P.S. - Kanti, Distt. - Mujaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-08-2023 Let the defect(s), if any, be removed within two weeks from today.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks regular bail in connection with Kanti P.S. Case No. 700 of 2019 dated 16.09.2019, lodged under Sections 328/ 306 of the I.P.C.

4. As per the prosecution case, the informant has alleged that the petitioner has taken money from her son on the pretext of providing employment but it could not be provided and when her son asked the petitioner to return the money, the accused used to torture him. On 15.09.2019, informant received information that the body of her son is lying on the road in unconscious stage, thereafter her son was taken to hospital,

where in course of treatment, her son died. At the time of treatment, it came to knowledge of the informant that due to consumption of poison, death has been caused, on the basis of which the informant has lodged the present case against the petitioner raising suspicion that due to him only her son died.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that from the post-mortem report, it reveals that no ante-mortem injury was seen either externally or internally by the doctor. Moreover, the investigating officer during course of investigation did not found any cogent material against the petitioner as mentioned in paragraph 157 of the case diary. Counsel submits that the petitioner is in custody since 03.06.2023 in which there is one criminal case pending against him in which he is on bail.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned J.M.- 1st Class (Court No. 6), Muzaffarpur in connection with Kanti P.S. Case No. 700

of 2019, 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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