

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63915 of 2023

Arising Out of PS. Case No.-45 Year-2022 Thana- ISHUPUR BARAHAT District- Bhagalpur

1. Mantu Choudhary @ Mantu Kumar Choudhary S/O Akhilesh Choudhary R/O Village- Itahari, P.S- Meharna, Distt.- Godda (JHARKHAND).
2. Gulshan Choudhary @ Gulshan Kumar S/O Nan Kishor Choudhary R/O Village- Pasahichak, P.S- Ishipur Barahat, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Gulshan Choudhary @ Gulshan Kumar S/O Nan Kishor Choudhary R/O Village- Pasahichak, P.S- Ishipur Barahat, Distt.- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate
For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Barahat P.S. case No. 45/2022 registered for the offence punishable under Sections 302/120 B of the Indian Penal Code.

3. As per the First Information Report, the informant's son was married about 9 years back. He had gone to his in-laws for bringing his wife and two children borne out of the wedlock where he has allegedly been killed by the in-laws.

4. The learned counsel for the petitioners submits



from the F.I.R. it is obvious that the informant's son died due to drowning in the well where he fell due to accident. The F.I.R. has been lodged only on suspicion even though there was normal matrimonial relationship of the deceased with his wife which is obvious from the fact that there are two children out of wedlock and prior to this occurrence, there is no material to show that there was any kind of strain relationship between the parties. The petitioner No. 1 is son-in-law and petitioner No. 2 is son of the father-in-law of the deceased, who have no role to play in the alleged occurrence whatsoever. Even in investigation, the police found the case to be not true and submitted final form accordingly. On protest petition, cognizance has been taken raising the apprehension for arrest.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions, the nature of allegations, the submission of final form by the police, post investigation and the clean antecedent of the petitioners, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail of the petitioners is allowed.

7. Accordingly, let the petitioners, above named, in



the event of their arrest or surrender before the court below within a period of four weeks from today, 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 Chief Judicial Magistrate, Bhagalpur in connection with Ishipur Barahat P.S. case No. 45/2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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