

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62090 of 2022

Arising Out of PS. Case No.-130 Year-2021 Thana- SAKRI District- Madhubani

Rahul Choudhary @ Rahul Kumar Choudhary, Male, aged about 28 years,
Son of Late Mohan Choudhary R/v- Muriya, P.S.- Muriya, District-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Rajeev, Adv.

For the Opposite Party/s : Mr. Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-02-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Sakri P.S. Case No. 130/2021 registered for the offence punishable under Section 302/34 of the Indian Penal Code (for brevity 'IPC').

The informant's husband was working as a salesman in the shop of one 'Dilip Kumar Choudhary' (co-accused). It is alleged that he was pressing for his demand of due salary for the past four (4) months. On the fateful day, it is stated that one 'Ganga Ram Yadav' went to the shop of co-accused, namely, 'Dilip Kumar Choudhary' for accompanying the informant's husband on his way back home when he found the shutter closed. On getting the shutter opened, he found the informant's husband lying dead on the floor, wherein the co-accused, namely, 'Dilip Kumar Choudhary' was present along with the instant petitioner and others. They have stated that he has died by sustaining accidental electric shock. The informant has alleged that, in fact, he has been done to death because he was demanding his salary due for the last four (4) months.



Learned counsel for the petitioner submits that motive for the killing is assigned against co-accused, namely, 'Dilip Kumar Choudhary' from whom it is alleged that the deceased was making demand of due salary. 'Dilip Kumar Choudhary' has been allowed bail in Cr. Misc. No. 71521 of 2021. 'Ganga Ram Yadav' is not an eye witness to the occurrence even as per F.I.R. and it is best he has seen the petitioner inside the shop. The petitioner has no criminal antecedents and on account of his proximity with 'Dilip Kumar Choudhary', he has become victim of the circumstances and is in custody since 03.01.2022. It is submitted that investigation is complete.

Learned APP for the State has opposed the prayer for bail. It is submitted that petitioner is also a named accused in the killing, and he was at the place where the alleged killing has been done.

Considering the rival submissions, nature of accusations, clean antecedents, claim based on parity and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhubani, in connection with Sakri P.S. Case No. 130/2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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