

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73290 of 2022

Arising Out of PS. Case No.-129 Year-2022 Thana- SANOKHAR District- Bhagalpur

RAJ KUMAR CHOUDHARY Son of Mainu Choudhary R/V- Nayatola
Dhanokhar, P.s- Sanokhar, Dist- Bhagalpur Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pandey, Ms. Sweta Barnwal
For the Opposite Party/s : Mr.Jagdhari Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 363, 365, 302 of the Indian Penal Code.

The prosecution case in nutshell is that minor daughter of the informant, namely, Anupam Kumari was playing outside the house and went missing. It is further alleged that after intense search her dead body was recovered.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in the present case. Neither the petitioner is named in F.I.R. nor there is any eye witness of the alleged occurrence. The name of petitioner sprang up in this case on the confessional statement of main accused Anita Devi. From perusal of the case diary vide para 20,21,28,29, it appears that dead body of the informant's daughter



has been recovered at the instance of Anita Devi. There is no strong circumstantial evidence against the petitioner. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 2.5.2023 passed in Cr. Misc. No. 3234 of 2023. Moreover, the petitioner is languishing in judicial custody since 10.7.2022.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Sanokhar P.S. Case No. 129 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bhagalpur.

(Sunil Kumar Panwar, J)

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