

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27492 of 2024**

Arising Out of PS. Case No.-639 Year-2022 Thana- KATIHAR NAGAR District- Katihar

MAHESH CHOUDHARY S/O RAM BILASH CHOUDHARY R/O
VILLAGE- OTYPADA, P.S- KATIHAR, DISTT.- KATIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

3 23-08-2024 Heard Mr. Ashok Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection with Sessions Trial No. 120 of 2023 arising out of Town (Sahayak) P.S. Case No. 639 of 2022 for the offence punishable under Sections 302, 201 of the Indian Penal Code lodged on 09.10.2022 by the informant, Gopal Choudhary.

3. As per the prosecution story, the allegation is that the informant's wife was found missing. Subsequently, the petitioner who is son-in-law also went missing. Two days later foul smell was coming from the rented house of the petitioner. The villagers informed that two days ago, the



petitioner had locked the door and left the place.

4. Learned counsel for the petitioner submits that he had strained relationship with his wife as such there was no question of going to his in-laws house, taking away the lady and kill her. It is his further submission that the maternal grand child of the informant was found missing and along with other daughter, he had also gone to that place to bring her back and as such, there was no question of him being part of the murder.

5. Learned APP opposes the prayer submitting that dead body was found from the his rented house, the door was locked and the villagers saw him as the person who locked the door.

6. Learned counsel for the petitioner submits that he had no knowledge about it, his bona fide can be seen immediately after the dead body was recovered, he was arrested from the home and is in custody since 11.10.2022 (para-4 of the petition).

7. In this case, a report was called for, according to it, only one out of seven chargesheeted witness has been examined.

8. In that background and considering the period of



custody, as also that he do not have criminal antecedent and as per the undertaking given by the petitioner that he will diligently appearing in each and every date in trial, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-III, Katihar, in connection with Sessions Trial No. 120 of 2023 arising out of Town (Sahayak) P.S. Case No. 639 of 2022 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(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 his bail bonds.

(Rajiv Roy, J)

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