

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70708 of 2024

Arising Out of PS. Case No.-409 Year-2024 Thana- DHANARUA District- Patna

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1. Shiv Kumar Chaudhary @ Shev Kumar S/O Late Yamuna Chaudhary R/O Village- Dhanarua, P.S- Dhanarua, Distt.- Patna.
 2. Upendra Kumar @ Upendra Chaudhary S/O Shiv Kumar Chaudhary @ Shev Kumar R/O Village- Dhanarua, P.S- Dhanarua, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neelam Kumari, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Dhanarua P.S. Case No. 409 of 2024, registered for the offences under Sections 103(1), 61(2) and 3(5) of the Bhartiya Nyaya Sanhita.

3. As per the prosecution case, younger sister of the informant was married with co-accused Mukesh Chaudhary. The petitioners are the father and brother of Mukesh Chaudhary. The allegation against the petitioners and other co-accused persons is that they killed the sister of the informant.

4. Learned counsel appearing on behalf of the



petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners have been made accused merely on suspicion and there is no material to connect the petitioners with the offences as alleged. From the FIR it is evident that the deceased and her husband had been living separately from the petitioners and it is not believable that the petitioners would go to the house of the co-accused and then commit murder of the sister of the informant. The whole story is quite absurd and unbelievable. During investigation the co-accused husband confessed his guilt and admitted that he killed his wife during some altercation. The petitioners are having clean antecedent and they are in custody since 22.07.2024.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that the petitioner are in-laws of the deceased and it appears that they have not been living in same premises and further considering the doubtful nature of case against the petitioners, the petitioners are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the



satisfaction of learned J.M.-1st Class, Masaurhi/concerned court, in connection with Dhanarua P.S. Case No. 409 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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