

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5662 of 2024

Arising Out of PS. Case No.-146 Year-2022 Thana- PANDAUL District- Madhubani

Subodh Choudhary @ Subodh Kumar Choudhary son of Bharat Chaudhary
R/o village - Baghi Pokhar , Chaudhary tole , Mohanpur , P.s- Pandaul ,
District - Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Dilip Kumar Mahto S/o- Late Ganga Ram Mahto Village- Ranti Pasiniya
Chowk Ps- Rajnagar Dist- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gagandeo Yadav, Adv.
For the Respondent/s	:	Ms. Usha Kumari 1, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 07-02-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State. In spite of valid service
of notice upon the respondent no.2, no one has appeared on his
behalf. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 30.10.2024 passed by 1st learned
Additional Sessions Judge cum Special Judge, Madhubani
whereby the prayer for bail of the appellant in connection with
G.R. No. 80 of 2022 arising out of Pandaul P.S. Case No. 146 of
2022 under Sections 302, 201, 34 of the I.P.C. and Sections 3(2)
(v) of SC/ST (POA) Act, was rejected.

3. The accusation against the appellant is of being



involved in committing murder of the brother of the Informant and throwing the dead body in the pond.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. The Informant is not the eye-witness to the alleged occurrence. There is also no eye-witness to the alleged occurrence regarding murder of the deceased. He further submits that there is no direct and specific allegation of any overt act against the appellant rather the same is general and omnibus in nature and the appellant has falsely been implicated in the present case only on the basis of suspicion. Except suspicion, there is nothing against the appellant. From the call details obtained by the police, it appears that on the day of occurrence, no call has been received from the mobile number of the appellant to the mobile of the deceased and, thus, the appellant has no concern with the alleged occurrence. The appellant is in custody since 25.10.2024 and has no criminal antecedent. Similar co-accused has been granted bail by this Court vide order dated 21.03.2024 passed in Cr. Appeal (S.J.) No. 5163 of 2023.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant, stating that



the offence alleged against the appellant is serious in nature. From the F.I.R. itself, it appears that the allegation against the appellant is of committing murder of the deceased in connivance with the other accused persons and throwing the dead body in the pond and, hence, the appellant does not deserve bail.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the appellant, the appellant having no criminal antecedent as also the prayer for bail being based on parity, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 30.10.2024 passed by 1st learned Additional Sessions Judge cum Special Judge, Madhubani is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with G.R. No. 80 of 2022 arising out of Pandaul P.S. Case No. 146 of 2022, subject to following conditions;

(i) One of the bailor(s) shall be the own/close family members of the appellant.

(ii) The appellant shall cooperate in the trial and shall



be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

