

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10712 of 2015

Arising Out of PS.Case No. -183 Year- 2013 Thana -BHAGWANPUR District-
VAISHALI(HAJIPUR)

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1. Baliram Choudhary Son of Late Jadu Choudhary, Resident of Village -
Ratanpura, P.S. - Bhagwanpur, District - Vaishali.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Mukesh Kumar

For the Opposite Party : Mr. Chandra Bhushan Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-03-2015

Petitioner is languishing in custody since
24.12.2014 in a case registered for the offences punishable
under Section 302/34 of the I.P.C and Section 27 of the Arms
Act.

It is alleged that the informant reached to the
spot on hearing sound of firing and saw accused persons
variously armed including the petitioner armed with pistol
assaulting his uncle Binod Choudhary and co-villager Sunil
Kumar Choudhary. By the time the informant could
understand the situation he found co-accused Abhineshwar
Pandey @ Nanhe Pandey, Swatambar Chaudhary @ Hariwansh
Chaudhary, Sushil Chaudhary @ Ghuntun Chaudhary and
Randhir Chaudhary firing at the uncle of the informant causing
serious injuries to him. Thereafter the informant and injured
Sunil Kumar took the uncle of the informant to the hospital

where the uncle of the informant was declared dead.

It is submitted by learned counsel for the petitioner that specific accusation of firing is against four other co-accused persons and not against the petitioner. The postmortem reflects death by fire arm injury. There is counter version of the occurrence also being Bhagwanpur P.S. Case No. 184 of 2014 registered under Sections 147, 148, 149, 307, 324 of the I.P.C and Section 27 of the Arms Act. Moreover Jai Prakash Rai, the accused of the present case is informant of the counter version where he alleged that after receiving injury he resorted to fire in self defence causing injury to the informant's side. Jai Prakash Rai has been granted bail vide Cr. Misc. No. 50845 of 2013.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Considering the aforesaid facts, 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 learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 183 of 2013.

(Dinesh Kumar Singh, J)

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