

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16987 of 2015

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

- =====
1. Sushil Kumar Choudhary @ Ghuntun Choudhary son of Late Bishwanath Choudhary
2. Randhir Choudhary son of Baliram Choudhary
Both residents of village Ratanpura, P.S. Bhagwanpur, District- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar
For the Opposite Party/s : Mr. Prem Kr.Jha(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 15-09-2015 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners are named in the first information report and it is alleged that they as well as two other accused opened fire on the deceased.

The contention on behalf of the petitioners is that one co-accused, namely, Jaiprakash Rai lodged Bhagwanpur P.S. Case No. 184 of 2013 for the occurrence of the same day and in the aforesaid case, the above stated co-accused specifically stated that prosecution party of the present case made indiscriminate firing as a result whereof he sustained firearm injury and after that he opened fire causing injury to one person. Learned counsel for the

petitioners further submits that in course of investigation, the statement of one witness, namely, Sunil Kumar Singh was recorded at para 10 of the case diary and the aforesaid witness, specifically stated that it was co-accused, Nanhe Pandey who opened fire causing firearm injury to the deceased and the aforesaid witness stated nothing in respect of the petitioners. It is further contended by him that having more or less similar allegation, several co-accused have already been granted privilege of bail by different Benches of this Court.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that having similar allegation co-accused, Swetambar Choudhary @ Haribansh Choudhary has already been granted privilege of bail by a co-ordinate bench of this Court vide order dated 05.12.2014 passed in Cr. Misc. No. 36015 of 2014, let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 183 of 2013.

(Hemant Kumar Srivastava, J)

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