

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10434 of 2015

Arising Out of PS.Case No. -372 Year- 2014 Thana -BATHNAHA District- SITAMARHI

Madan Choudhary S/o Paramansh Choudhary Resident of Village Jamuna Barahi, P.S. Bathanaha, District Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

With

Criminal Miscellaneous No.11703 of 2015

Arising Out of PS.Case No. -372 Year- 2014 Thana -BATHNAHA District- SITAMARHI

Jai Narayan Rai S/o Late Bilas Rai R/o Village- Chandpura, P.s- Bathnaha, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

(In Cr.Misc. No.10434 of 2015)

For the Petitioner/s : Mr. Ranjeet Kumar Mishra
For the Opposite Party/s : Mr. Nawal Kishore Pd. (App)

(In Cr.Misc. No.11703 of 2015)

For the Petitioner/s : Mr. Dinesh Jha
For the Opposite Party/s : Mr. Meena Singh (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 02-04-2015 Heard learned counsel for the petitioners, learned A.P.P. for the State and Mr. Sanjay Kumar, learned appearing for the informant.

The petitioners in Cr. Misc. No. 10434/2015 and Cr. Misc. No. 11703/2015 seek bail in a case under Section 302 and other sections of the Indian Penal Code.



The informant made allegation that his brother Pawan Kumar was going to Sitamarhi on a motorcycle for some work. The informant and his cousin Raja were also going on a motorcycle but Madan Choudhary, the petitioner of Cr. Misc. No. 10434/2015, with Subodh Choudhary and Dilip Choudhary overtook the motorcycle of Pawan Kumar and thereafter Subodh Choudhary and Dilip Choudhary made indiscriminate firing at Pawan Kumar. The informant alleged that Jai Narayan Rai, the petitioner of Cr. Misc. No. 11703/2015, conspired with other accused persons.

Learned counsel for the petitioners has submitted that Madan Choudhary was driving the motorcycle on which two assailants were pillion riders, who made indiscriminate firing. The learned counsel for the informant submitted that it has come during the course of investigation that Jai Narayan Rai played the role of liner and he also conspired.

From perusal of the records, it appears that Madan Choudhary was very much associated with the crime although he is not the assailant of the deceased as the assailants are Dilip Choudhary and Subodh Choudhary. Jai Narayan Rai was not present on the place of occurrence.

Considering the facts aforesaid, I am not inclined to

enlarge Madan Choudhary, petitioner in Cr. Misc. No. 10434/2014, on bail at this stage. Accordingly, the same is rejected. He may renew his prayer for bail after remaining nine months in jail.

So far as the case of Jai Narayan Rai, petitioner in Cr. Misc. No. 11703/2015, is concerned, he is alleged to have conspired but ostensibly he is neither the assailant nor found present at the place of occurrence.

Considering the facts aforesaid, Jai Narayan Rai, petitioner in Cr. Misc. No. 11703/2015, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in Bathnaha P.S. Case No. 372/2014.

(Prabhat Kumar Jha, J)

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