

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4701 of 2016

Arising Out of PS.Case No. -22 Year- 2013 Thana -CHANDI District- NALANDA
(BIHARSHARIFF)

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1. Anuj Chaudhary, son of Late Nauri @ Munarik Chaudhari, Resident of
Village- Diyamadih, P.S.- Kray Pasuray, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Md.Aslam Ansari(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 29-03-2016

Heard the learned counsel for the petitioner and the
learned A.P.P. representing the State.

The petitioner seeks bail in connection with Chandi
P.S. Case No. 22 of 2013 registered for the offences punishable
under Section 302/34 of the Indian Penal Code and Section 27 of
the Arms Act.

On behalf of the petitioner, it is submitted that the
petitioner is not named in the F.I.R. rather his name has come in
the confessional statement of co-accused, Lalan Yadav, who is
said to be apprehended by the people near the place of
occurrence, and he disclosed the name of the petitioner and
another accused. In course of investigation Rakesh Mahto,
Shayam Gope, the petitioner, Vikash Kumar and Rakesh Kumar
were put on T.I.P. in which the informant Ravindara Singh
identified the aforesaid persons which would appear from

paragraphs 233 to 236 of the case diary but he specifically stated that co-accused Shayam Gope, shot fire causing death to his brother Amarjit Kumar. In the post-mortem report, only one firearm injury was found, as such, the petitioner is only the members of the unlawful assembly without any overact, other co-accused Vikash Kumar and Rakesh Mahto have been allowed bail, to which the learned APP is not in a position to distinguish the case of the petitioner.

In the facts and circumstances stated above, the petitioner, above named, is also directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Vith Additional Sessions Judge, Nalanda at Bihar Sharif in connection with Chandi P.S. Case No. 22 of 2013, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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