

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53642 of 2015

Arising Out of PS.Case No. -15 Year- 2015 Thana -MEHDIGANJ District- PATNA

1. Dinesh @ Mahesh Choudhary S/o late Pyare Choudhary R/o Village-
Purvi Kasaba, P.s-Mehandiganj, District _Patna presently residing in the
house of Birju Mahto

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. U.S.P Singh (App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 15-02-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a
case registered for the offences punishable under Sections 302/34
and Section 27 of the Arms Act.

Diary in this case was called for earlier which has since
been received.

Learned counsel for the petitioner submits though the
petitioner is named in the First Information Report, there is no
further cogent material in the case diary to indicate that the
petitioner had fired leading to the death of the said Deepak Kumar
@ Lahsun. He submits that so far as the petitioner is concerned,
the only allegation as made out against him during the

investigation is that the petitioner had accompanied a group of persons, who together entered the orchard, where at some point of time, there was an altercation between one Chotu Kumar and the deceased was shot dead.

Learned counsel appearing on behalf of the State on perusal of the case diary submits that the main allegation is against Chotu Kumar and Mukesh Kumar and not against this petitioner. At best the allegation made is that he was accompanying the other accused persons. It is further submitted that altercation had taken place between Chotu Kumar and the deceased and not this petitioner.

Considering the entire gamut of circumstances and that there being no material in the case diary against the present petitioner, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the each amount to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Patna City, Patna in connection with Mehdiganj P.S. Case No. 15 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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