

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5928 of 2016

Arising Out of PS.Case No. -121 Year- 2015 Thana -ALAMGANJ District- PATNA

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1. Monu Choudhary S/o Shiv Kumar Choudhary, Resident of Mohalla -
Badarghat, P.S. - Alamganj, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Bansh Dubey

For the Opposite Party/s : Mr. Ajay Kumar Jha(App)

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

2 19-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Sessions
Trial No. 785 of 2015 arises out of Alamganj P.S. Case No. 121 of
2015 registered for the offence punishable under Section 302/34 of
the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, co-accused Mantu Chaudhary, Manish
Kumar caught hold Deo kunj Singh @ Sintu the son of the
informant and co-accused Vikky mobile shot the son of the
informant in his head and thereafter the petitioner shot in his chest
and fled away after pushing the informant. During treatment the
son of the informant died in PMCH.

Submission is of false implication, during post

mortem examination no injury has been found on the chest of the deceased and as such the petitioner is not the assailant and he deserves sympathetic consideration to which learned A.P.P. duly assisted by learned counsel for the informant opposes by submitting that one shot is attributed to co-accused and one shot to the petitioner and two bullets were recovered from the body of the deceased and as such the petitioner does not deserve sympathetic consideration.

In the facts and circumstances stated above, considering the direct allegation against the petitioner this court is not inclined to enlarge the petitioner on bail and accordingly his prayer stands rejected.

(Jitendra Mohan Sharma, J)

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