

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21819 of 2016

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1. Tuntun Choudhary Son of Lal Babu Choudhary
2. Dheeraj @ Sutuki Choudhary son of Ajay Choudhary,
Both resident of village Rahimpur Naya Tola, P.S. Muffasil, at present
Jai Prakash Nagar, Ward No. 23, P.S. and District- Khagaria

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amit Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 20-05-2016 Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the informant.

The petitioners seek bail in connection with
Khagaria (Mufasil) P. S. Case No. 49 of 2016 registered under
Sections 341, 323, 307, 379, 504 and 506/34 of the Indian Penal
Code and Section 27 of the Arms Act.

It is contended by the learned counsel for the
petitioners that no occurrence as alleged by the prosecution has
taken place and the present informant, namely, Anil Chaudhary
is himself a notorious criminal and is an accused in at least
twenty cases of serious nature. It is further contended that even
in the FIR, it has been alleged that co-accused Sonu fired from

his pistol causing injury to the informant. Referring to the impugned order passed by the court below, it is contended by learned counsel for the petitioners that though the police tried to record the statement of the informant under Section 161 of the Code of Criminal Procedure, the informant evaded the police on one pretext or the other.

Learned counsel for the informant has vehemently opposed the application for grant of bail to the petitioners. He has submitted that the petitioners have actively participated in the occurrence and in the FIR it has been alleged that they caught hold of the informant and co-accused Sonu had fired upon him.

Be that as it may, regard being had to the facts and circumstances of the case, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in Khagaria (Mufasil) P. S. Case No. 49 of 2016.

(Ashwani Kumar Singh, J.)

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