

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4159 of 2016

Arising Out of PS.Case No. -159 Year- 2014 Thana -PHULWARIA District- GOPALGANJ

- =====
1. Kamal Chaudhary
 2. Sandesh Chaudhary
 3. Lallan Chaudhary
 4. Kusum Yadav @ Kusum Chaudhary
- all resident of Village- Koila Devi, P.S.- Fulawaria, District- Gopalganj.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate
For the Opposite Party/s : Mr. Sangita Sharma , APP

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 18-03-2016 Heard the learned counsel for the petitioners and the learned A.P.P. representing the State.

The petitioners seek bail in connection with Phulwaria P.S. Case No. 159 of 2014 registered for the offences punishable under Section 307/427 of the Indian Penal Code, Section 27 of the Arms Act and Section 3 /4 of the Explosive Substance Act.

Allegedly, the petitioners and co-accused surrounded the vehicle of the informant, co-accused Rajital Chaudhary threw bomb causing injury on the head of the informant, co-accused Loha Chaudhary opened fire causing



injury in right hand, the petitioner, Kusum Chaudhary, also opened fire which hit on the left hand and Bipin Chaudhary, Kaushal Chaudhary and Sandesh Chaudhary were also with them being armed, Sandeep Choudhary and the petitioner, Lallan Chaudhary, opened fire. In the occurrence, Dr. Sri Ram Kushwaha also received injury.

Submission is of false implication due to enmity, earlier, the petitioner Kamal Chaudhary has lodged a case bearing Bhore P.S. Case No. 181 of 2014 wherein the informant and others are accused, the informant has received injuries which are simple in nature and up till now final injury report has not been submitted and other co-accused, namely, Abbas Ansari and Razital Chaudhary have also been allowed bail by another co-ordinate Benches of this Court, and as such, the petitioners also deserve sympathetic consideration, to which the learned APP opposes.

In the facts and circumstances stated above, considering that charge-sheet has already been submitted and there was previous enmity and as such the petitioners, above named, are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial

Magistrate, 1st Class, Gopalganj in connection with Phulwaria P.S. Case No. 159 of 2014, 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J.)

ajaypd./-

U		T	
---	--	---	--