

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34347 of 2016

Arising Out of PS.Case No. -72 Year- 2014 Thana -TISIAUTA District- VAISHALI(HAJIPUR)

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1. Lafua @ Chanchal Chaudhary Son of late Sanjay Chaudhary Resident of
Village- Bijrauli, Police Station- Tisiauta, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Alias Sharma

For the Opposite Party/s : Mr. Sri Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 20-08-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under
Sections-307, 120(B) & other minor sections of the Indian Penal
Code and later one, Section-302 of the Indian Penal Code was also
added.

There is allegation against the petitioner and one,
Deepak Choudhary that they opened fire on the deceased but
submission on behalf of petitioner is that co-accused, Deepak
Choudhary has already been granted privilege of bail by a
coordinate bench of this court vide order dated 01-12-2015 passed
in Cr. Misc. No. 32091 of 2015.

The web copy of the aforesaid order has been

annexed as Annexure-3 to the petition, from perusal of which, I find that a coordinate bench of this court granted privilege of bail to Deepak Choudhary after considering this aspect of the matter that when the statement of informant's son, who happens to be eye witness of the alleged occurrence, was recorded in PMCH, Patna by the police, the informant's son did not name the co-accused, Deepak Choudhary as assailant rather he stated that it was the petitioner only, who opened fire on the deceased and therefore, in my view, the case of petitioner is quite different from the case of co-accused, Deepak Choudhary.

Considering the above-said facts and circumstances of the case as well as submission of the parties and also taking note of this fact that petitioner does have criminal antecedent, I am not inclined to release the petitioner on bail and accordingly, his prayer for bail in connection with Tisiauta P.S. Case No. 72 of 2014 pending in the court of Sri Rajesh Pandey, learned Judicial Magistrate-Ist Class, Vaishali at Hajipur stands rejected.

(Hemant Kumar Srivastava, J)

A.K.V./-

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