

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44046 of 2016

Arising Out of PS.Case No. -69 Year- 2016 Thana -RAJGIR District- NALANDA
(BIHARSHARIFF)

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1. Brijnandan Choudhary Son of Late Maango Choudhary Resident of
Village-Chhoti Belaur, P.S.- Rajgir, P.S.-Rajgir, District-Nalanda

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur
Ms. Babita Kumari

For the Opposite Party/s Mr. R.P.S. Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

04/ 19.12.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under section
302/34 of the Indian Penal Code and 27 of the Arms Act.

Informant claims that she along with her husband and
children were sleeping on the roof and in the meantime, she heard
sound of firing and when she woke up, she noticed the petitioner and
co- accused jumping from her roof. She also noticed that her husband
got firearm injury on his temple.

In course of investigation, informant vide para 7 of the case
diary said that at the time of alleged occurrence, the petitioner was
carrying **Fasuli** whereas co- accused Rajesh Choudhary was having
firearm. The petitioner happens to be elder brother of the deceased and
admittedly, there was land dispute between the parties. Post mortem



report of the deceased goes to show that only one firearm injury was found on the temple of the deceased and, therefore, even if the claim of the informant assumed to be true, then also, according to the prosecution case itself, petitioner was not carrying any firearm in his hand at the time of alleged occurrence.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda at Bihar Sharif in Rajgir P.S. Case no. 69/2016.

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(Hemant Kumar Srivastava,J)

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