

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18240 of 2016

Arising Out of PS.Case No. -426 Year- 2014 Thana -GOPALPUR District- BHAGALPUR

1. Kamal Choudhary, Son of Dhaneshwar Choudhary, resident of Village- Bhim Das Tola, Police Station- Gopalpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey

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

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 16-09-2016 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Diary in this case was called for earlier, which has, since been received.

Learned counsel for the petitioner submits that the main allegation is against one Ajay Kumar Choudhary whose daughter and the deceased had eloped together and for the said reason there existed a dispute between the deceased and the said Ajay Kumar Choudhary. Learned counsel for the petitioner further submits that as per the First Information Report, the said Ajay Kumar Choudhary has been made main accused, but subsequently, on the

submission made before the police by one Sajan Singh, the name of the accused has surfaced as one of the accused persons.

Learned counsel appearing on behalf of the State after much research of the case diary has submitted that there were three persons who are alleged to have committed the crime on behalf of the accused Ajay Kumar Choudhary. He further submits that on the statement of one Sajan Singh, the petitioner's name has been implicated. The call details of the petitioner, deceased as well as the three main persons have been taken. It is emerged that these persons have confessed that after the occurrence the accused persons informed one persons having SIM No. 9199408162. However, the said phone number does not belong to the present petitioner. The only reason that the petitioner's name has come, is because other numbers belonging to the petitioner was found to have been saved in the mobile phone of the deceased. However, the investigation has not come forth to find out who was the holder of the mobile No. 9199408162. It is submitted on behalf of the State that the IMEI No. 351926069578050 is said to have been used in this occurrence and it was one of the numbers used by the petitioner which was found to be having the same IMEI number. Therefore, the petitioner is suspected to have participated in the occurrence.

Considering the remote nature of allegations made and also the categorical assertion of the petitioner that he has no criminal antecedent, let the petitioner abovenamed, in the event of his arrest /surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Naugachia, Bhagalpur in connection with Gopalpur P.S. Case No. 426 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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