

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58353 of 2015

Arising Out of PS.Case No. -91 Year- 2015 Thana -SHEOHAR District- SHEOHAR

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1. Uday Shankar Choudhary @ Chhotu Son of Raghunath Choudhary
Resident of Village - Nayagaon, P.S.- Shyampur, Bhataha, District -
Sheohar

.... Petitioner/s

Versus

1. The State of Bihar

... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. S.M.Rahman(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 01-02-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Sheohar P.S.
Case No. 91 of 2015 registered for the offences punishable under
Sections 302, 120B of the Indian Penal Code and Section 27of the
Arms Act.

Allegedly, co-accused Brajesh Singh and Kaushal
Kishore Tiwari shot Vicky Kumar, the son of the informant, and
co-accused Sone Lal Sah, Dorahai Sah were instigating. It is
alleged that there were 2-3 unknown also with them.

Submission is of false implication and that the
petitioner is not named in the FIR, as alleged unknown were not
the assailant, without any cogent and legal material the petitioner

is suffering in custody since 27.09.2015 as such he deserves sympathetic consideration.

Learned APP opposes the prayer of bail by submitting that the petitioner has got criminal antecedent and in conspiracy the son of the informant was killed.

In the facts and circumstances stated above, considering that specific allegation is against co-accused Brajesh Singh and Kaushal Kishore Tiwari and not against the unknown, and as such the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheohar in connection with Sheohar P.S. Case No. 91 of 2015, 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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