

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17076 of 2017

Arising Out of PS.Case No. -543 Year- 2016 Thana -KANTI THARMAL POWER District-
MUZAFFARPUR

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1. GAUTAM KUMAR CHOUDHARY @ GAUTAM KUMAR S/o
Surendra Choudhary, Resident of Village- Sirsiya, P.S.- Kanti, District-
Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

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

2 05-05-2017 Heard learned counsel for the petitioner as well as
the learned A.P.P. for the State.

The petitioner seeks bail in a case for the offences
punishable under Sections 302, 448/34 of the Indian Penal Code
and 27 of the Arms Act.

Allegedly the petitioner came in the courtyard of
the informant and after seeing that Avinash Kumar son of the
informant was taking food, he went away and after some time the
petitioner and other co-accused came and shot Avinash Kumar
Singh with Pistol and fled away. The informant, his wife and his
daughter saw the petitioner and others fleeing away. The son of
the informant succumbed to the injuries. Four days ago the



petitioner and Gaurav Kumar asked the son of the informant to work and when they directed to cut Ganja and supply the same, the son of the informant refused, then they shot to kill him.

Submission is of false implication and that co-accused Gaurav Kumar has already been allowed bail. There is no specific allegation against the petitioner and as such the petitioner also deserves the sympathetic consideration.

Learned A.P.P for the State opposes the prayer of bail by submitting that the petitioner has got criminal antecedent. He was arrested with firearm and thereafter he has been remanded in this case. The petitioner has confessed the guilt also. The witnesses have supported the prosecution version. The case of the petitioner is on different footing than that of Gaurav Kumar

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner and further his criminal antecedent, I am not inclined to release the petitioner on bail and accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

Ranjan/-

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