

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16999 of 2017

Arising Out of PS.Case No. -285 Year- 2016 Thana -UDWANTNAGAR District- BHOJPUR

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1. Hareram Kumar, Son of Parshuram Choudhary, Resident of Village-
Belaur, P.S.- Udwant Nagar, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Nityanand (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 20-06-2017 Heard learned counsel for the petitioner, learned

counsel for the informant and learned counsel representing the

State.

The petitioner seeks bail in connection with Udwant
Nagar P.S Case No. 285 of 2016 registered for the offences
punishable under Section 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Allegedly, the petitioner and other co-accused being
armed with rifle and gun after abusing caught the informant and
his brother Manish Kumar and brought near the field of Ramjee
Chaudhary where the father of the informant was sitting from
earlier and on the father of the informant Ranjeet Chaudhary
started opening fire with gun causing his death and when the



informant and his brother started fleeing away, all started opening fire, Pawan Chaudhary and Mritunjay Chaudhary opened fire upon the brother of the informant which hit his buttock, thigh, ribcage and chest, resulting, the brother of the informant also died.

Submission is of false implication and that the petitioner is not the assailant, as per the F.I.R. the assailant is Ranjeet Chaudhary, Pawan Chaudhary and Mritunjay Chaudhary and against the petitioner there is no allegation for opening fire against the deceased, but from that firing no one was injured, similarly situated co-accused Vijay Tiwary has already been allowed bail and, as such, the petitioner also deserves sympathetic consideration. Regarding recovery of arms from the possession of the petitioner another case has also been lodged wherein the petitioner has been allowed bail.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the petitioner was apprehended on the basis of confidential information with rifle and cartridges after the occurrence and from the spot similar empty cartridges have been recovered, against the petitioner also chargesheet has already been submitted.

In the facts and circumstances stated above, considering that there is no allegation of firing or assault to the



deceased against the petitioner and one of co-accused Vijay Tiwary has already been allowed bail and, as such, petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Udwantnagar P.S. Case No. 285 of 2016, 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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