

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24968 of 2017

Arising Out of PS.Case No. -85 Year- 2016 Thana -KARJA District- MUZAFFARPUR

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1. Anjani Kumar Choudhary @ Anjani Choudhary son of Late Rameshwar Choudhary resident of village - Chakbarkurwa, 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. Hari Mohan Mishra

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 13-07-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in connection with Karja P.S. Case No. 85/2016 for offences punishable under Section 307 and other allied Sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while they were at *bathan*, the petitioner along with others started unloading soil at the *bathan* from the tractor. On objection, the petitioner along with other co-accused assaulted the informant side in which one Yugal Kishore Choudhary and Shiv Chandra Choudhary @ Gopal Choudhary succumbed to the injury. Allegation against the petitioner is that along with one Vikash



Kumar Thakur @ Vikash Kumar the petitioner caused injury on Yugal Kishore Choudhary from the back portion of the spade causing injury on the mouth.

It has been submitted by the learned counsel for the petitioner that he is innocent, allegations are general and omnibus, there is no eye-witness to the alleged occurrence and that there was a land dispute between the both the parties and earlier a case under Section 307 IPC is pending against both the parties. He submits that other co-accused Vikash Kumar Thakur, who is alleged to have assaulted the deceased Yugal Kishore Choudhary along with the petitioner, has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 12194 of 2017 on 22.06.2017 and that the petitioner is in custody since 31.07.2016, hence, a sympathetic view may be taken. It is submitted that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

Be that as it may, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate (West),



Muzaffarpur in connection with Karja P.S. Case No. 85/2016, subject to the condition 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.

(Nilu Agrawal, J)

Rajesh/-

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