

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50715 of 2017

Arising Out of PS.Case No. -181 Year- 2017 Thana -UDWANTNAGAR District- BHOJPUR

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Patiram Chaudhary @ Shiv Prasan Choudhary, Son of Late Ram Subhag Choudhary, R/o Village- Keshopur Bakri, P.S.- Udwantnagar, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Babita Kumari

For the Opposite Party/s : Mr. Sri Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 04-12-2017 Heard learned counsel for the petitioner, the informant and the State.

The petitioner seeks bail in connection with Udwantnagar P.S. Case No. 181 of 2017 dated 23.06.2017 instituted for the offences under Sections 341, 323, 307, 504 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

With respect to a dispute over apportionment of mangoes, it has been alleged that one Kamleshwar Choudhary fired from a pistol aiming at the son of the informant namely Raj Kumar Choudhary who received injuries. The petitioner is, thereafter, said to have opened fire leading to injuries on the person of the informant.

Learned counsel for the petitioner has submitted that



the occurrence had taken place on 11.06.2017; whereas the fardbeyan was lodged after about four days i.e. on 15.06.2017. The formal FIR was drawn up on 23.06.2017 and the endorsement of the Chief Judicial Magistrate, Bhojpur at Ara over the said FIR has been made on 27.06.2017. It has been submitted that no explanation at all has been offered for such delay in lodging of the FIR.

It has further been submitted that the petitioner is the uncle of the informant and is a retired Government School Teacher. There is a land dispute between the parties and a probate case which was lodged by the informant was dismissed because of the opposition by the petitioner. A Title Suit preferred by the father of the informant in which the petitioner and others were arrayed as parties, has also been dismissed. Several instances of litigation have been pointed out by the learned counsel for the petitioner.

Though, there is specific allegation against the petitioner of opening fire at the informant leading to injuries, but taking into account the litigation between the parties with respect to land and the period of custody which is from 04.08.2017, this Court is inclined to grant bail to the petitioner.

In the facts and circumstances, the petitioner above



named is directed to be released on bail on his furnishing bail bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Udwantnagar P.S. Case No. 181 of 2017.

(Ashutosh Kumar, J)

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