

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1085 of 2017

Arising Out of PS.Case No. -53 Year- 2016 Thana -BEGUSARAI TOWN District- BEGUSARAI

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Hira Choudhary, Son of Late Ramashray Choudhary, Resident of village -
Bishnupur Choudhary Tola, Mirzapur Bandwar, P.S. - Town, District –
Begusarai.

.... Petitioner.

Versus

The State of Bihar.

.... Opposite Party.

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Appearance :

For the Petitioner : Mr.

For the State : Mr.

For the Informant : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

8 26-04-2017 Let the supplementary affidavit, filed on behalf of the
petitioner, be kept on the record.

Heard learned counsel for the petitioner and the learned
A.P.P. for the State as also the learned counsel for the informant.

The petitioner seeks bail in connection with Town P.S. Case
No.53 of 2016 registered under Sections 302 and 307/34 of the
Indian Penal Code besides Section 27 of the Arms Act, pending in
the court of the Chief Judicial Magistrate, Begusarai.

The accusation is that Rs.5,00,000/- was demanded as
ransom by the petitioner and his two brothers, namely, Navin
Choudhary and Bayea Choudhary alias Bipin Choudhary, from the



informant Dilip Sharma and his deceased brother Viswanandan Sharma but they refused to pay the ransom. On 31.01.2016 at about 08.15 P.M., when the informant alongwith his deceased brother Viswanandan Sharma was going to his house from the Medical Shop, in the way, the petitioner and his two brothers alongwith 4-5 unknown surrounded them and Bipin Choudhary asked his deceased brother Viswanandan Sharma as to why the ransom has not been paid. At that time, Bipin Choudhary caused injury to the informant and his deceased brother Viswanandan Sharma through butt of the pistol, then Viswanandan Sharma raised alarm. Thereafter, on the order of Bipin Choudhary, Navin Choudhary shot fire at the back of Viswanandan Sharma and this petitioner also shot fire at his temporal region on which Viswanandan Sharma fell down and died.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in this case. While the informant has claimed to be an eye witness to the occurrence but in her statement Sadhna Devi, the wife of the deceased Viswanandan Sharma, as detailed in paragraph-33 of the case diary, has stated that the informant was coming with her husband but, later on, she has stated that the informant reached on the spot after sustaining the injury by the deceased. The petitioner



is in custody since 08.03.2016

In the post-mortem report of the deceased Viswanandan Sharma, two corroborative injuries, as detailed in the F.I.R., were found

Having regard to the facts and the circumstances of the case and the nature of allegation, I am not inclined to grant bail to the petitioner. Accordingly, the prayer of the petitioner for grant of bail stands rejected.

(Rajendra Kumar Mishra, J)

P.S./-

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