

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50132 of 2016

Arising Out of PS.Case No. -134 Year- 2016 Thana -GOPALPUR District- BHAGALPUR

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Mukul Choudhary, Son of late Ramanuj Choudhary, Resident of Village -
Singhiya Makandpur, P.S. Gopalpur, District - Bhagalpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Atul Chandra

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

ORAL ORDER

3 25-01-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner is accused in connection with Gopalpur
P.S. Case No. 134 of 2016, registered under Sections 302, 120(B)/34
of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that on 15.06.2016, in the evening,
Dhonu, driver of Rajeev, son of the informant, informed on mobile to
the wife of the Rajeev Kumar, about making firing at Rajeev, who
used to run the stone chips shop. Thereafter, informant along with her
three daughter in law reached at the depot/shop of her son Rajeev
where she came to know that her son has been rushed for treatment.
Thereafter, she went to Government Hospital, Naugachhiya, where
her son was lying dead pooled with blood. The informant raised
suspicion against four persons, including the petitioner, named in the
F.I.R. with contention that Lutan Sah who used to do the business of



stone chips at the land of this petitioner had business enmity with her son Rajiv.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that the petitioner has no business rivalry rather the business rivalry was in between Luton Sah and deceased. Moreover, it would appear from the F.I.R. that informant is not the eye-witness of the occurrence and with ulterior motive, she implicated the petitioner, who is co-villager. Further submission is that while the petitioner is accused in four other cases, but in all cases he has been acquitted and in the present case he is in custody since 18.06.2016. Further submission is that Dhonu, driver of the deceased has not disclosed the name of the assailant.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the ACJM, Naugachia, Bhagalpur in connection with Gopalpur P.S. Case No. 134 of 2016.

(Rajendra Kumar Mishra, J)

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