

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23507 of 2017

Arising Out of PS.Case No. -17 Year- 2017 Thana -MAHESHKHUNT District- KHAGARIA

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Bilash Chourasia @ Ajay Chourasia, Son of Mahendra Chourasia, resident of Village- Purwari Tola, Maheshkhunt, P.S.- Maheshkhunt, District- Khagaria.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Matloob Rab, APP-34

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 30-06-2017 Heard learned counsel for the petitioner and learned APP representing the State.

The petitioner seeks bail in connection with Maheshkhunt P.S. Case No. 17 of 2017 registered for the offences punishable under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, Arun Kumar Tiwary, the son of the informant, was shot which hit his mouth by two unknown motorcycle borne criminals. During investigation the statement of injured was recorded and he stated that he identified one miscreants as Gopal Chaurasia, the brother-in-law of the petitioner, and unknown miscreant sitting on the back seat of the motorcycle shot Arun Kumar Tiwary. Due to business rivalry, the petitioner got the crime committed.



Submission is of false implication and that the petitioner is not the assailant, he was not present at the time of occurrence, only on suspicion he has been named, the brother-in-law of the petitioner was identified and as such the petitioner deserves sympathetic consideration as he is suffering in custody since 22.03.2017, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP opposes the prayer of bail by submitting that the petitioner caused threats during business rivalry and his brother-in-law Gopal Chaurasia confessing his guilt has stated that he along with his cousin brother Sunil Kumar has committed the alleged offence.

In the facts and circumstances stated above, considering the custody of the petitioner and further that he is not the assailant, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. III, Khagaria in connection with Maheshkhunt P.S. Case No. 17 of 2017, 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.

avin/-

(Jitendra Mohan Sharma, J)

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