

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29838 of 2017

Arising Out of PS.Case No. -345 Year- 2016 Thana -DANAPUR District- PATNA

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Sunil Choudhary, son of Late Bhuneshwar Choudhary, R/o- Mohalla- Gola Road, Gajadhar Chak, P.S. Danapur, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Umeshnand Pandit, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-07-2017 Heard learned counsel for the petitioner, learned counsel for the informant and the learned Additional Public Prosecutor for the State.

Petitioner seeks bail in connection with Danapur P.S. Case No. 345 of 2016 registered for the offence punishable under Sections 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that some accused persons along with their family members have killed the father-in-law of the informant, namely, Ashok Jaiswal.

It has been submitted by the learned counsel for the petitioner that he is not named in the First Information Report and allegation is general and omnibus and it is only on the basis of



confessional statement of co-accused Dinesh Singh named in the First Information Report that the petitioner has been falsely implicated. He submits that except the confessional statement, there is nothing against the petitioner. He further submits that petitioner is in custody since 24.03.2017 and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. It is further submitted that co-accused, who have not been named in the First Information Report and whose name transpired on the confessional statement of said Dinesh Singh and other co-accused, have since been granted the privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 43520 of 2016 on 13.12.2016 and Cr. Misc. No. 21994 of 2017 on 08.05.2017.

However, learned counsel appearing on behalf of the informant vehemently opposes the prayer for bail stating therein that the name of the petitioner transpired on the confessional statement of co-accused named in the First Information Report and even independent witnesses have named this petitioner. Learned A.P.P. for the State also opposes the prayer for bail.

Be that as it may, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the



satisfaction of the learned Additional Chief Judicial Magistrate, Danapur, Patna in connection with Danapur P.S. Case No. 345 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner, who would file an affidavit stating his relation with the petitioner and that the said bailor must have sufficient immovable properties within the territorial jurisdiction of the concerned P.S./ Court. Petitioner will also appear before the learned Court below during trial on each and every date and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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