

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44943 of 2018

Arising Out of PS. Case No.-1857 Year-2017 Thana- SASARAM NAGAR District- Rohtas

Vikash Choudhary S/o Raj Kumar Chaudhary, R/o Mohalla- Khidkighat, P.S.-
Sasaram Town, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhinay Raj

For the Opposite Party/s : Mr. Sri Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 27-07-2018 Heard learned counsels for the petitioner and the State as well as learned counsel for the informant.

The petitioner, already in custody, seeks bail in connection with Sasaram (Town) P.S.Case No. 1857 of 2017 registered under Sections 302 and 386/34 of the Indian penal Code and Section 27 of the Arms Act.

Allegation in brief is that while the informant was coming back to home after closing his shop along with his son, on the way intercepted by the accused persons and demand of extortion was made and Nanhak Choudhary caught hold his son Mahtab Alam and shot in his head causing his death and while the accused persons were firing so Jai Ram Choudhary one of the accused also sustained firearm injury.

Submission is that there is case and counter case between



both sides and prior to the institution of the present case a case of murder was instituted by the petitioner's side against the informant of the present case and in that occurrence, Jai Ram Choudhary was killed by the informant side and he had sustained 08 bullet injuries in his body and in that process, as Mahtab Alam had caught hold Jai Ram Choudhary, so he also sustained one firearm injury opened by the accused of that case. However, there is no accusation against the petitioner of killing Mahtab Alam, which is specific only against Nanhak Choudhary. Learned counsel further submits that two accused persons, namely, Raj Kumar Choudhary and Mahendra Choudhary have been admitted to anticipatory bail by a coordinate bench of this court vide Cr. Misc. No. 43515 of 2018.

Whereas, learned counsel appearing on behalf of the informant opposes the prayer of bail and submits that the petitioner has criminal antecedent and both the offences are of the same day.

Having considered the aforesaid facts and circumstances, as there is no specific accusation against the petitioner of killing the deceased in the present case so, the petitioner, namely, Vikash Choudhary is directed to be released on bail upon



furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned CJM, Rohtas, Sasaram in connection with Sasaram (Town) P.S. Case No. 1857 of 2017.

(Arun Kumar, J)

Sujit/ Saurabh

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