

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64682 of 2018

Arising Out of PS. Case No.-202 Year-2018 Thana- JANDAHA District- Vaishali

Binod Chaudhary @ Binod Kumar Chaudhary, son of Ram Lakhan Chaudhary, resident of village- Jandaha, P.S.- Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kanhaiya Prasad Singh, Sr. Advocate
	:	Mr. Subodh Prasad, Advocate
For the State	:	Smt. Jitendra Kumar Singh, APP
For the Informant	:	Mr. Dilip Kumar Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 13-12-2018 Heard Mr. Kanhaiya Prasad Singh, learned Senior Advocate for the petitioner, Mr. Jitendra Kumar Singh, learned Additional Public Prosecutor for the State being assisted by Mr. Dilip Kumar Roy, learned counsel for the informant.

The petitioner seeks pre-arrest bail in connection with Jandaha P.S. Case No.202 of 2018 registered under Sections 302, 120B and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the first information report, the informant is an eye witness to the murder of his brother. The allegation is that on the order of co-accused Ram Babu Sahni, Abhay Kumar and Shankar Chaudhary indiscriminately fired at the deceased as a result of which he died instantaneously.



It is submitted by the learned counsel for the petitioner that the place of occurrence is Block Office, Jandaha, Vaishali and the police station was barely fifty hundred yard away from the place of occurrence, but the first information report was not instituted on 13.08.2018 at 3.00 p.m. when occurrence of offence had taken place. It was instituted on the next day on 14.08.2018 at 1.50 p.m. The only thing stated in the first information report against the petitioner is that immediately after the occurrence he also fled away.

It has been further submitted by the learned Senior Advocate that in case of indiscriminate firing at a public place any person who would present would try to save his life and run away. He contended that except the fact that immediately after firing the petitioner also fled away from the place of occurrence, there is nothing alleged against him. He also contended that two other co-accused, namely, Ranjeet Kumar and Kundan Kumar having more or less identical allegation have been granted pre-arrest bail by a common order vide order dated 29.11.2018 passed in Cr. Misc. No.64351 of 2018 and Cr. Misc. No.66710 of 2018 respectively.

Learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioner. He submitted that



petitioner is one of the named accused and he was present when the alleged occurrence had taken place.

Considering the submissions made above, in the event of arrest or surrender before the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Jandaha P.S. Case No.202 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md. S/-

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