

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17366 of 2019

Arising Out of PS. Case No.-653 Year-2018 Thana- PURNEA SADAR District- Purnia

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BECHAN CHOUDHARY @ BITEESH KUMAR @ BITEESH KUMAR
CHOUDHARY @ BECHAN Son of Kanchan Choudhary Resident of
Village-Meera Fulpur P.S.-Dagarua, District-Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
07.12.2018 in a case registered for the offences punishable
under Sections 302, 120/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution case got initiated on the Fardbeyan
of Aman Kapoor, recorded by S.I., Om Prakash Tiwari on
09.11.2018 at 18.30 P.M. at emergency ward of Sadar Hospital
Purnea to the effect that the brother of the informant used to
run agricultural equipment agency and on the same day at 6.00
P.M., the staff of the agency Md. Gosi called him on mobile
phone of one staff Guddu and informed that someone had



killed the father of the informant. After having received such information, the informant went to the agency and found his father in pool of blood. Subsequently, the informant took his father to Purnea hospital where his father was declared dead by the doctor. Hence, the informant raised suspicion against Manoj Pandit, Kishore Mehta and Mukesh Yadav. The FIR was registered against these persons. During investigation, from the CDR, it transpired that the petitioner was also in contact with the FIR named accused persons and the shooter who was identified through the CCTV footage installed in the premises of the agency of the informant.

It is submitted by learned counsel for the petitioner that from the impugned order it appears that the petitioner is not the shooter and only on the basis of suspicion, he has been roped in the present case. It is further submitted that the investigation has already been concluded and a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the name of the petitioner sprang up during investigation as one of the conspirator as CDR suggested that the petitioner was in contact with the FIR named accused persons and the shooter



who was identified in the CCTV footage.

Considering the suspicious nature of accusation coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 CJM, Purnea in connection with A Sadar P.S. Case No. 653 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

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