

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.368 of 2019

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

Golu Choudhary son of Raj Kumar Choudhary, resident of Village- Khirki
Ghat, P.S. Sasaram Town, District- Rohtas.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhinay Raj

For the Opposite Party/s : Mr. Ajay Kumar-1

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 15-03-2019 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 386, 34 of the Indian
Penal Code and 27 of the Arms Act.

The first information report reflects that it was co-
accused, Nanhak Choudhary who shot fire on the deceased and
so far as petitioner is concerned, it is alleged that he as well as
other F.I.R. named accused made indiscriminate firing as a
result of which one Jayram Choudhary sustained firearm injury.

Submission on behalf of the petitioner is that full
brother of the petitioner was killed by the prosecution party on



13.12.2017 and on the same day father of petitioner lodged Sasaram Town P.S. Case No. 1856 of 2017 against the prosecution party and thereafter, the present case was lodged on 14.12.2017 implicating the petitioner and others in a false case. It is further submitted that as a matter of fact, Jayram Choudhary was full brother of the petitioner and it was prosecution party who committed the murder of Jayram Choudhary.

On the other hand, learned counsel appearing for the informant opposed the prayer submitting that there is allegation against the petitioner that he as well as others made indiscriminate firing causing firearm injury to deceased Jayram Choudhary and moreover, the trial of the petitioner has already commenced. He further submits that petitioners and his supporters are giving threatening to kill the prosecution witnesses and for which a petition has been filed before the concerned S.D.O.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also keeping in mind that petitioner is in jail custody since 08.07.2018 particularly, in the circumstance when there is case and counter case between the parties, let the petitioner, above named, be released on bail on



furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Rohtas at Sasaram in connection with Sessions Trial No. 432 of 2018 arising out of Sasaram (Town) P.S. Case No. 1857 of 2017.

(Hemant Kumar Srivastava, J)

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