

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45318 of 2019

Arising Out of PS. Case No.-193 Year-2018 Thana- HAZIPUR INDUSTRIAL District-
Vaishali

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DHARAM NATH CHOUDHARY Son of Ram Ishwar Choudhary Resident
of Village- Jethui, P.S.- Industrial Area, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi
For the Opposite Party/s : Mr.Binod Kumar

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 30-09-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Industrial Area P.S. Case No.193 of 2018 registered under
Sections 302/34 of the Indian Penal Code besides Section 27 of
the Arms Act.

The accusation is that when the informant Amrendra
Chaudhary along with his brother Ramkesh Chaudhary, on
07.11.2018 at about 11.30 P.M., after taking the dinner, came at
the Bathan to sleep, then five persons, named in the F.I.R.,
including the petitioner were seen standing and on seeing them,
they started to abuse. When Ramkesh Chaudhary, the brother of
the informant, made protest, then the petitioner ordered the



others to kill them, whereupon this petitioner and Bullet Chaudhary caught hold of Ramkesh Chaudhary, the brother of the informant, whereas Rahul Chaudhary and Rakesh Chaudhary caught hold of the informant. Thereafter, Lallan Chaudhary pointing the pistol at Ramkesh Chaudhary, the brother of the informant, fired at him, due to which he fell down sustaining firearm injury and died on the spot.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that this petitioner, after giving order to others to kill the informant and his brother Ramkesh Chaudhary, along with Bullet Chaudhary caught hold of Ramkesh Chaudhary, the brother of the informant, whereas Rahul Chaudhary and Rakesh Chaudhary caught hold of the informant. Thereafter, Lallan Chaudhary pointing the pistol at Ramkesh Chaudhary fired at him, who fell down after sustaining firearm injury and died on the spot. In the post-mortem report of Ramkesh Chaudhary, incised wound 5" X 2½" on occipital region, caused by heavy sharp cutting weapon, was found. The aforesaid facts clearly go to show that in the night, the informant did not see the occurrence but with an ulterior motive and due to dirty village politics, implicated the petitioner and others in this case.



Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Industrial Area P.S. Case No.193 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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