

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58149 of 2019

Arising Out of PS. Case No.-37 Year-2019 Thana- ALOULI District- Khagaria

1. AJAY CHOUDHARY Son of Sachidanand Chaudhary Resident of Village - Sumbhagazi Ghat, P.S.- Alauli, District- Khagaria
2. Sachidanand Choudhary Son of Umesh Choudhary Resident of Village - Sumbhagazi Ghat, P.S.- Alauli, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.

Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 17-09-2019 Heard learned Senior Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Alauli Police Station Case No. 37 of 2019, disclosing offences under Sections 147/148/149/302 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as per the First Information Report, is that the petitioners, along with others, entered into the house of the informant and one Saheb Chaudhary @ Baijnath Choudhary took out his pistol and fired upon the son of the informant, causing his death.

Learned Senior Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have merely been named in the First



Information Report without any overt act alleged against them. He further submits that similarly situated co-accused persons have been granted anticipatory bail by this Court by orders, passed in Criminal Misc. Nos. 37234, 30343, 37707 and 42843 of 2019.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that similarly situated co-accused persons have been granted anticipatory bail by this Court, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Alauli Police Station Case No. 37 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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