

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72494 of 2019

Arising Out of PS. Case No.-654 Year-2019 Thana- KHAGARIA District- Khagaria

1. VIJAY CHOUDHARY @ VIJAY CHOUDHARI, aged about 42 years (Male), Son of Late Laddu Choudhary,
2. Mahesh Choudhary, aged about 36 years (Male), Son of Rambilash Choudhary,
Both are Resident of Village - Jalkaura, P.S.- (Gangaur) O.P., Khagaria, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Adv.

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-11-2019 Heard learned counsel for the petitioners, informant and learned APP for the State.

The petitioners seek bail in a case registered for the offence punishable under Sections 302, 34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that the informant Ram Kumar filed a written report before S.H.O., Khagaria (Gangour) P.S. on 22.08.2019 at about 18.00 hours alleging therein that on 22.08.2019 at about 12.05 A.M. (night) petitioners and four co-accused persons shot and killed Lakhan Choudhary by breaking back door while he was sleeping on the door. Rambilas Choudhary and Karo Choudhary fired at his father. Informant,



and his brother Jitendra Kumar and mother Kranti Devi saw the occurrence. They closed the door of the house and raised alarm. The cause of occurrence is land dispute. In the occurrence four unknown persons have also committed crime but the informant did not identify them.

Learned counsel for the petitioners submits that the petitioners are innocent and falsely been implicated in this case due to local politics. Co-accused Suresh Choudhary has lodged a case vide Khagaria (Gangour) P.S. Case No. 811/2015 under Sections 147, 148, 149, 323, 325, 307, 379, 504/23 I.P.C. against the informant and his family members.

Learned counsel for the petitioners further submits that the inquest report which is mentioned at para 2 of the case diary. There is no specific allegation the petitioners and specific allegation against Rambilas Choudhary and Karo Choudhary fired his father. The petitioners are in custody since 23.08.2019 and have got no criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two



sureties of the like amount each to the satisfaction of the learned C.J.M., Khagaria, in connection with Khagaria (Gangaur) P.S. Case No. 654 of 2019, subject to the following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Anjani Kumar Sharan, J)

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