

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7240 of 2020

Arising Out of PS. Case No.-790 Year-2019 Thana- BUXAR District- Buxar

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VISHAL KUMAR @ VISHAL CHOUHAN @ GOPI CHOUHAN Son of
Suresh Chouhan Resident of - Shanti Nagar, P.S.- Buxar Town, Distt - Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Jagdish Prasad, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-07-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

Petitioner apprehends arrest in Buzar (T) PS Case No. 790 of 2019 registered under Sections 341, 448, 307 of the IPC and Section 27 of the Arms Act.

Five accused persons, including the petitioner, are alleged to have indiscriminately fired upon the informant. The informant has suffered fire arm injuries as a result thereof and is undergoing treatment for the same.

Learned Counsel for the petitioner submits that there is no specific allegation against the petitioner. The allegation is of indiscriminate firing by all accused persons. Accused No. 1, Chhathu



Chauhan @ Chhotu Chauhan, having identical allegation, has been allowed the privilege of anticipatory bail in Cr. Misc. No. 9160 of 2020. The deceased was a history sheetee having 14 cases pending against him since before and taking undue advantage of his injuries, sustained otherwise, informant has implicated the petitioner in the instant case. The petitioner is said to be a man of clean antecedent. The claim of parity is also raised with reference to anticipatory bail granted to accused No. 1.

Learned APP for the State has opposed the prayer for anticipatory bail. He has submitted that indiscriminate firing by the petitioner and other co-accused has injured the informant.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, 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 CJM Buxar. in Buxar (T) PS Case No. 790 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

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(Madhuresh Prasad, J)

