

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27872 of 2020

Arising Out of PS. Case No.-87 Year-2016 Thana- CHAUTHAM District- Khagaria

MANIKANT CHOUDHARY Son of Late Ramji Choudhary Resident of
Village - Gadhiya, P.S. - Chautham, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anand Mohan Mehta, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 14-12-2020 Heard the learned counsel for the petitioner
and Sri Anand Mohan Mehta, the learned APP for
the State.

The present petition is by way of second attempt at the behest of the petitioner herein for grant of regular bail in connection with S.T. No. 85 of 2020 arising out of Chautham P.S.Case No. 87 of 2016 inasmuch as the earlier petition filed by the petitioner for grant of bail was rejected by a coordinate Bench of this Court vide order dated 25.02.2020 passed in Criminal Miscellaneous No. 7429 of 2020, however, with an observation that the petitioner would be at liberty to renew his



prayer for bail once the charge has been framed.

The petitioner is alleged to have fired on the informant causing injury on his left arm. It has also been alleged that the brother of the informant has filed a case against the petitioner and others in which the informant is also a witness and the accused persons were pressurizing the informant to withdraw the case.

The learned counsel for the petitioner has submitted that gunshot injury, if at all sustained by the informant, is not on his vital part, hence, benefit of doubt can be granted to the petitioner herein for the purposes of grant of bail especially in view of the fact that the charges have already been framed on 19.06.2020 and the petitioner is languishing in custody since 14.10.2019. It is also submitted that the petitioner is having a fair antecedent inasmuch as he is an accused only in one another criminal case. Lastly, it is submitted that the petitioner undertakes to appear on each and every date so fixed by the learned court below in the ongoing trial.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that a coordinate Bench of this Court had granted liberty to the petitioner to renew his prayer for bail after framing of charges and the charges have already been framed on 19.06.2020, apart from the fact that the petitioner is languishing in custody since 14.10.2019 and moreover, the gunshot injuries have been inflicted on the informant on his non-vital parts, I deem it fit and proper to direct for release of the petitioner on regular bail, however, subject to him furnishing undertaking before the learned court below to the effect that he would appear on each and every date so fixed by the learned court below in the ongoing trial.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Asstt. Sessions Judge-II,



Khagaria in connection with S.T. No. 85 of 2020 arising out of Chautham P.S. Case No. 87 of 2016.

It is needless to state that in case, the petitioner fails to appear before the learned court below even on a single date, so fixed in the ongoing trial, the present privilege of bail, being extended to the petitioner, shall stand cancelled automatically and the petitioner would be liable to be taken into custody forthwith.

(Mohit Kumar Shah, J)

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