

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82062 of 2019

Arising Out of PS. Case No.-199 Year-2018 Thana- PIRO District- Bhojpur

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PRAKASH CHOUDHARY, S/o Jitendra Choudhary @ Jangali Choudhary
R/o village- Belaur, P.S.- Udwant Nagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak, Advocate.

For the Opposite Party/s : Mr.Narsingh Tanti, APP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 27-05-2020 This matter has been taken up through Video Conferencing.

Heard the parties.

The petitioner is languishing in custody for the offence punishable under Sections 147, 148, 149, 379 and 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

According to F.I.R., the firing made by other accused persons hit at other parts of the body of the brother of the informant. There is specific allegation against the petitioner of commission of fire arm injury on the head of the brother of the informant. The post mortem report would reveal that the doctor has not found any fire arm wound or any other type of wound at the head of the deceased, whereas other fire arm injuries found



by the doctor are attributed against some other accused. A detailed and reasoned order is there in the matter of grant of bail to co-accused Yogendra Singh by a co-ordinate Bench of this Court by order dated 25.10.2019 passed in Cr. Misc. No. 30810 of 2019, a copy at Annexure-2. Petitioner is in custody since 23.05.2019. Investigation of the case is already complete.

Considering the fact that medical report does not corroborate the prosecution allegation against the petitioner and there is no material to substantiate that the petitioner is going to tamper with the evidence or hamper the trial, let the petitioner, above named, be released on bail, on furnishing bail bond of Rs.20000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Piro P.S. Case No. 199 of 2018 with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.



If the petitioner would not be able in furnishing sureties due to lock-down, he shall be provisionally released on his personal bond and the provisional bail shall be confirmed only after production of the bailors within fifteen days of restoration of normal function of the Court.

(Birendra Kumar, J)

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