

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15585 of 2021

Arising Out of PS. Case No.-106 Year-2020 Thana- DAWATH District- Rohtas

Sonu Choudhary male aged about 24 years, Son Of Chhote Lal Chaudhary
R/O Village- Gidha, P.S.- Dawath, District- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Pandey

For the Opposite Party/s : Mr. Choubey Jawahar A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 12-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Dawath P.S. Case No. 106 of 2020, registered for the offence under Section 341, 323, 504, 302, 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on the order of this petitioner, co-accused Abhay Choudhary fired on the stomach of son of the informant, as a result of which, he died.

It is submitted on behalf of petitioner that as per FIR, the petitioner is only alleged to be order-giver. The allegation of firing is against co-accused Abhay Choudhary and petitioner has been dragged in this case only due to the fact that he is brother of co-accused Abhay Choudhary. Petitioner has got clean



antecedent and he is in custody since 10.07.2020. Investigation is complete.

Learned A.P.P. for the State has opposed the bail petition and submitted that son of the informant was brutally murdered by this petitioner alongwith other co-accused persons and later on, on the same day, the petitioner was arrested with one country-made loaded pistol, which was used in the aforesaid crime.

Considering the rival submissions of the parties and the materials available on record as well as the fact that petitioner is only order-giver and has got clean antecedent, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Bikramganj, District - Rohtas in connection with Dawath P.S. Case No. 106 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the



prosecution will be at liberty to move for
cancellation of bail.”

(Prabhat Kumar Singh, J.)

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