

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24438 of 2021

Arising Out of PS. Case No.-338 Year-2019 Thana- MUNGER MUFFASIL District- Munger

MASUDAN CHOUDHARY Son of Kamli Choudhary Resident of Village -
Tirasi, Pir, Pahar, P.S.- Muffasil, Dist.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jyoti Ranjan Jha

For the Opposite Party/s : Mr.Sanjay Kr.Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Mufassil P.S. Case No.338 of 2019 registered for the offence punishable under Sections 341, 307, 447, 504, 506/34 of the Indian Penal Code and section 27 of Arms Act.

The prosecution case in short is that the informant was going to market from his house but in front of the house of one Pinku Choudhary, four persons armed with pistol surrounded



him and one the order of one Bijay Choudhary, the other co-accused fired on him with intention to kill. It is alleged that this petitioner along with other accused also fired on him. His family members saw the occurrence, rescued him and took him to the hospital.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case due to due to village politics. No incriminating article has been recovered from the conscious physical possession of the petitioner. There is general and omnibus allegation against the petitioner. The specific allegation is against accused Madan Choudhary and Rahul Choudhary who shot fire upon the informant due to which he fell down on the ground. It is apparent from the FIR that the petitioner shot fire but it did not hit the informant but there is no reason to show as to how he escaped the shot when he was lying on the ground. The petitioner has no criminal antecedent and has been languishing in custody since 24.12.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, the



above named petitioner is directed to be enlarged on bail on
furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five
Thousand) with two sureties of the like amount each to the
satisfaction of the learned Chief Judicial Magistrate, Munger in
connection with Muffasil P.S. Case No.338 of 2019.

(Anjani Kumar Sharan, J)

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