

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30167 of 2021**

Arising Out of PS. Case No.-196 Year-2020 Thana- VIDYAPATINAGAR District-
Samastipur

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Arvind Choudhary @ Arvind Kumar Choudhary Son of Late Kalpu
Choudhary Resident of Village- Sherpur, Police Station- Vidyapati Nagar,
District- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar

For the Opposite Party/s : Mr.Amit Kumar Rakesh

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 12-08-2021 Heard learned counsel for the parties through video
conferencing.

The petitioner seeks bail in Vidyapati Nagar P.S. Case
No. 196 of 2020, registered for the offence under Section 27 of
the Arms Act and Sections 120-B, 302 and 34 of the Indian
Penal Code.

As per the prosecution case, on 15.12.2020 at about
8:00 PM, all the FIR named accused persons, including this
petitioner, surrounded son of the informant and on the
instigation of this petitioner, co-accused Suman Kumar
Choudhary @ Chhabban Choudhary fired upon the son of
informant and thereafter, it is alleged that another co-accused
Golu Choudhary also fired on the son of informant and



thereafter, all the accused persons fled away from the place of occurrence and the son of the informant succumbed to the injuries.

It is submitted on behalf of petitioner that as per F.I.R., petitioner is alleged to be order-giver and allegation of firing is against other co-accused persons. Petitioner is none else but *Gotiya* of the informant and he has been falsely implicated in this case. There is no specific allegation of overt act against this petitioner and petitioner is in custody since 25.11.2020. Chargesheet has already been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, 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 Additional Chief Judicial Magistrate, Dalsinghsarai, District - Samastipur in connection with Vidyapati Nagar P.S. Case No. 196 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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