

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41247 of 2021**

Arising Out of PS. Case No.-17 Year-2021 Thana- MANPUR District- Nalanda

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Jitendra Choudhary Son of Mallu Choudhary Resident of Village-
Khadebigha, P.S.- Manpur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur Mrs. Vaishnavi Singh
For the State	:	Mr. Kumar Ranjit Ranjan
For the Informant	:	Mr. Pankaj Kumar

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

2. 22-10-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Manpur P.S. Case No. 17 of 2021, registered for the offence under Sections 341, 307 / 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on 31.01.2021 at about 8:00 PM, while the informant was returning home on his motorcycle, this petitioner alongwith co-accused Natwar Chaudhary fired upon him (informant), which hit in his abdomen.

It is submitted on behalf of petitioner that there is general and omnibus allegation in the F.I.R. of causing fire-arm injury, however; during course of investigation, the informant,



in his re-statement, has stated that co-accused Natwar Chaudhary had fired from his country-made pistol and has not attributed the allegation of firing against this petitioner. Chargesheet has already been submitted and petitioner is in custody since 03.02.2021.

However, counsel for the informant vehemently opposed the bail petition and submitted that the injured (informant) died during course of treatment and petitioner was also one of the associates, who fired upon the injured.

Considering the aforesaid facts and circumstances as well as re-statement of the informant wherein he has not attributed the allegation of firing against the petitioner, 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. - V, Nalanda at Biharsharif in connection with Manpur P.S. Case No. 17 of 2021, 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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