

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35864 of 2020

Arising Out of PS. Case No.-207 Year-2020 Thana- BARAUNI District- Begusarai

GOPAL KUMAR @ GOPAL CHOUDHARY S/o Shri Ranjan Chaudhary @
Niranjan Chaudhary R/o village- Hajipur, P.S.- Barauni, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Thakur
	:	Ms. Vaishnavi Singh
For the Opposite Party/s	:	Ms.Anita Kumari Singh
Fro the informant	:	Mr. Amrendra Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-01-2021 Heard the learned counsel for the petitioner and Ms.
Anita Kumari Singh, the learned APP for the State.

The petitioner seeks regular bail in connection with Barauni PS case no. 207 of 2020 instituted for the offences punishable under Sections 302/34 of Indian Penal Code and 27 of Arms Act.

The allegation is regarding the accused persons including the petitioner herein having arrived at the alleged place of occurrence and as far as the co-accused person namely Suresh Choudhary is concerned, he is stated to have fired gun shots on the father of the informant resulting in him sustaining injuries and his subsequent death.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely



implicated in the present case, he is having a clean antecedent and he is languishing in custody since 08.07.2020. The learned counsel for the petitioner has further submitted that a bare perusal of the post mortem report would show that there is one wound of entry of the bullet on the body of the deceased, however the informant has alleged that the deceased had told him that the co-accused person namely Suresh Choudhary had fired gun shot on his body which had hit him, hence it is submitted that the petitioner is admittedly not having any complicity in the matter since he has not been alleged to have fired any gun shots.

Per contra, the learned A.P.P. for the State and the learned counsel for the informant have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials on record as also the fact that there is only one wound of entry of the bullet on the body of the deceased, as is apparent from the post mortem report and the deceased himself had informed the informant that gun shot had been fired by the co-accused person namely Suresh Choudhary, I find the present case to be a fit case for grant of



bail to the petitioner herein.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Barauni PS case no. 207 of 2020.

(Mohit Kumar Shah, J)

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