

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37859 of 2020

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

Nitish Choudhary, Son of Naresh Choudhary @ Naresh Chaudhary, Resident
of Village- Hajipur, P.S.- Barauni, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Sandip Kumar Gautam, Advocate
For the State	:	APP
For the Informant	:	Mr. Braj Bhushan Poddar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-02-2021 Heard learned counsel for the petitioner and the

learned APP for the State as well as the learned counsel for the

informant.

The petitioner seeks bail in connection with Barauni
P.S. Case No.207 of 2020 for the offence punishable under
Section 302, 34 of the Indian Penal Code and Section 27 of the
Arms Act.

The allegation is regarding the accused persons,
including the petitioner, having arrived at the alleged place of
occurrence. Co-accused Suresh Choudhary is stated to have
fired upon the father of the informant, resulting in his sustaining
injuries and subsequent death.

The learned counsel for the petitioner has submitted



that the petitioner is innocent and has been falsely implicated in the present case. He is having a clean antecedent and is languishing in custody since 08.07.2020. Post-mortem report would show that there is only one wound of entry on the body of the deceased, at best corroborating the prosecution case of firearm injury attributed against co-accused Suresh Choudhary. It is further submitted that co-accused Gopal Kumar @ Gopal Choudhary, with more or less similar allegation, has been granted bail in Cr.Misc. No.35864 of 2020, vide order dated 20.01.2021.

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.

Accordingly, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Begusarai, in connection with Barauni P.S. Case No.207 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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