

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37927 of 2020

Arising Out of PS. Case No.-145 Year-2017 Thana- BOCHAHAN District- Muzaffarpur

Manish Choudhary Son of Devendra Choudhary Resident of Village- Katra,
P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Adv.
For the State : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 26-02-2021 Heard learned counsel for the petitioner and the learned
APP for the State.

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Bochaha PS Case No.145 of 2017 instituted for the offence under Sections 302, 307 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

There is an allegation of indiscriminate firing by 16 named and 3 to 4 unnamed persons leading to two deaths. The petitioner happens to be one implicated as being the unknown.

It is submitted that implication is based on confession of co-accused, namely, Monu Mishra and Subodh Patel having no evidentiary value. The informant claims that he can identify the assailants still the petitioner has not been put on Test Identification Parade and he is in custody since 30.06.2020. Another co-accused, similarly situated as the petitioner i.e.



Subodh Patel, who had taken the petitioner's name, in his confessional statement, had been allowed bail in Cr Misc No 40517 of 2018 and another co-accused, namely, Bittu Singh, has also been allowed bail in Cr Misc No 22115 of 2020.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, 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 Additional Sessions Judge 12th Muzaffarpur, in connection with Sessions Trial No 118 of 2020, arising out of Bochaha PS Case No 145 of 2017, 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.

(Madhuresh Prasad, J)

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