

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.966 of 2021

Arising Out of PS. Case No.-477 Year-2018 Thana- MAJHAULIA District- West Champaran

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SANJEET KUMAR CHAUDHARY, Son of Prabhu Chaudhary @ Prabhu Chaudhri Resident of Village - Hindu Chakiya, P.S.- Chakiya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7

For the Opposite Party/s : Mr.Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-03-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to remove the defects as pointed out by the office within four weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 387, 307, 34 of the Indian Penal Code and under Section 27 of the Arms Act.

Prosecution case in brief is that the informant has alleged that he was working in the shop of cement and iron rod at Majhauria market. On 26.10.2018 he was at the shop. In the meantime, unknown miscreants came on a motorcycle and



opened fire and caused gun shot injury on his waist, as a result of which he fell down. On hulla, local people came and brought him to Majhaulia PHC from where he was referred to M.J.K. Hospital, Bettiah for better treatment and subsequently to PMCH, Patna.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that no Test Identification Parade has been held till date in order to ascertain the complicity of the petitioner in the alleged crime. The petitioner has been remanded in this case only on the basis of confessional statement from Mahesi P.S. Case No. 419/2018 on 06.12.2019 and except that there is nothing to connect him in this case. The petitioner is languishing in judicial custody since 06.12.2019. Co-accused have been granted bail by this Hon'ble Court vide order dated 25.09.2020 passed in Cr. Misc. no.18909/2020.

Learned APP for the State opposes the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in



connection with Majhauriya P.S. Case No. 477/2018 to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran; subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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